



POLICY & PROCEDURE SERVICE

Policy & Procedure Subscription Service

Community College League of California
Liebert Cassidy Whitmore

Legal Updates

October '19, April '20, July '20 & Prior

OVERVIEW

This is the 35th, 36th and Special Summer update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. Removed AR's in the 6000, 7000 series

AP 5130 Financial Aid – This procedure was updated to add legal citations and a note to address a new legal requirement that, effective **January 1, 2020**, districts provide students with a Financial Aid Shopping Sheet.

This procedure was updated to replace the term BOG Fee Waiver with California College Promise Grant consistent with the California Community Colleges Chancellor's Office rebranding of the BOG Fee Waiver Program.

AP 5020 Nonresident Tuition – This procedure was updated to add a new way for students to qualify for exemption from nonresident tuition through having sufficient attendance at a California elementary or secondary school and high school equivalent pursuant to an amendment to Education Code Section 68130.5. This procedure was also updated to add a new provision allowing nonimmigrant aliens with "T" or "U" visa status to qualify for nonresident tuition exemption pursuant to Title 5 Section 54045.5.

This procedure was updated to reflect the new deadline of March 1 of each year for districts to set the nonresident tuition fee for the succeeding fiscal year. This procedure also reflects a new requirement that Districts post to their website a notice that sets forth the persons exempt from paying nonresident tuition.

AP 5030 Fees – This procedure was updated to identify a new requirement that prohibits districts from requiring fees or tuition for surviving spouses or children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California.



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This procedure was updated to replace the term BOG Fee Waiver with California College Promise Grant consistent with the California Community Colleges Chancellor's Office rebranding of the BOG Fee Waiver Program.

This procedure was updated to replace the term "credit by examination" with "credit for prior learning."

This procedure was updated to reflect that the student representation fee is now a required fee for those districts that have a student body association. This procedure was also updated to modify the list of prohibited fees to include students who have been exonerated of crimes through a writ of habeas corpus or pardon.

AP 5013 Students in the Military – This procedure was updated to add that a natural or adopted child, stepchild, or spouse of a member in the armed forces stationed in California is entitled to resident classification if he/she has been admitted to the District and the service member is subsequently transferred outside of California.

This procedure was updated to reflect that a member of the armed forces stationed in California no longer needs to be on active duty to receive resident classification.

AP 5040 Student Records, Directory Information, and Privacy – This procedure was updated to add a legal citation (Education Code Section 66093.3) and add legally required language pertaining to the collection and retention of student information and access to student records for immigration enforcement purposes provided by the Office of the California Attorney General.

AP 4103 Work Experience – This procedure was updated to reflect revised Title 5 requirements that a Cooperative Work Experience Education plan be approved by the local governing board rather than the Chancellor's Office. The procedure was also updated to add a requirement that plan include a statement that the District has officially adopted the plan, subject to approval by the Board.

AP 4110 Honorary Degrees – This procedure was updated to revise the legal citations to reflect Education Code Section 72122.

AP 4220 Standards of Scholarship – Delegation – This procedure was updated to add legal citations Education Code Section 70902 subdivision (b)(3) and Title 5 Section 51002, and also update the note to list all matters identified by Title 5 as standards of scholarship.



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This procedure was updated to replace the term “credit by examination” with “credit for prior learning” to be consistent with the terminology in Title 5 Section 55050.

AP 4230 Grading and Academic Record Symbols – This procedure was updated to add a new non-evaluative symbol for excused withdrawals.

AP 4250 Probation - This procedure was updated to remove legal citation Title 5 Section 55030, which was repealed.

AP 4610 Instructional Service Agreements – This procedure was updated to remove legal citations Title 5 Sections 58100 and 58110, as those sections were repealed.

AP 5300 Student Equity – This procedure was updated to add a note addressing the Chancellor’s Office new reporting requirement for student equity plans as part of an “Integrated Plan.”

AP 4300 Field Trips and Excursions – This procedure was updated to include a reference to Government Code Section 11139.8, which was enacted by AB 1887. A usage note was also added. Lastly, this procedure was updated to recommend that any locally developed language regarding travel limitations developed under Government Code Section 11139.8 be reflected in this procedure.

AP 5220 Shower Facilities for Homeless Students – This procedure was added to address Education Code Section 76011, which will be effective January 1, 2017.

AP 5500 Standards of Student Conduct – This procedure was updated to add sexual assault and sexual exploitation to the list of sample conduct that may result in discipline.

AP 4102 Career and Technical Education Programs – This procedure was updated to add a legal citation to the Federal Education Department General Administrative Regulations (EDGAR) 2nd Edition and include language regarding EDGAR’s new written procedure requirements in the list of local practices that districts must address under this procedure.

Revisions to the Administrative Procedure Templates October ‘19

NEW AP 3415 Immigration Enforcement Activities – This *new procedure* complies with the requirement in Education Code Section 66093.3 requiring districts to adopt model language provided by the Office of the California Attorney General or locally created equivalent language.

AP 4105 Distance Education – This procedure was updated to reflect revisions to Title 5 regulations governing distance education programs and includes language to address



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addendums to course outlines consistent with the new requirements of Title 5 Section 55206.

This procedure was updated to add clarifying notes regarding Federal Regulation requirements pertaining to verifying the identity of a student registered in a distance education or correspondence education course or program.

AP 5015 Residence Determination – This procedure was updated to add legal citations Education Code Sections 68074-68075.7, and add that a natural or adopted child, stepchild, or spouse of a member in the armed forces stationed in California is entitled to resident classification if he/she has been admitted to the District and the service member is subsequently transferred outside of California.

This procedure was also updated to add a new basis to be exempt from paying nonresident tuition for refugees and individuals holding a special immigrant visa. Lastly, this procedure was updated to reflect the changes to Education Code Section 68130.5 pertaining to exemption for payment of nonresident tuition for students other than nonimmigrant aliens.

This procedure was updated to clarify the requirements for residence reclassification to reflect the statutory wording of Education Code Section 68044.

This procedure was updated to add a legal citation (Education Code Section 68086) and specify that residence determination is not required for students seeking to enroll exclusively in career development and college preparation courses as well as other courses for which no credit is given. This procedure was also revised to reflect that a member of the armed forces stationed in California no longer needs to be on active duty to receive resident classification. This procedure template now reflects a clarification in the law that exempts a student, other than a nonimmigrant alien, from nonresident tuition and specifies that the three or more years of high school course work must be in California.

AP 5050 Student Success and Support Program – This procedure was updated to add a note as a reminder that districts are required to comply with Student Success and Support Program requirements even though the California Community Colleges Chancellor's Office has implemented its integrated plan.

This procedure was updated to add optional language for districts that receive funding from the Student Equity and Achievement Program consistent with new requirements of Title 5 Section 55522 subdivision (i).

Revisions to the Administrative Procedure Templates April '20



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AP 3515 Reporting of Crimes – This procedure was updated to correct a typographical error and add clarification pertaining to language suggested as good practice pertaining to the disclosure of student disciplinary proceedings.

AP 3540 Sexual and Other Assaults on Campus – This procedure was updated to add a use note addressing a new legal requirement that procedures and protocols adopted pursuant to Education Code Section 67385 must be reviewed and updated annually. **This procedure was also updated to include new requirements for outreach programming that districts need to include as part of incoming student’s orientation.**

AP 3560 Alcoholic Beverages – This procedure was updated to add hotel management and culinary arts instruction as programs where a student, 18 years of age or older, may taste alcoholic beverages on campus.

AP 3720 Computer and Network Use - This procedure was updated to add a section to address information security program requirements for those entities that participate in Title IV Educational Assistance Programs.

AP 4022 Course Approval – This procedure was updated to include requirements related to the course approval of non-credit courses.

AP 4235 Credit by Examination [Credit for Prior Learning] – This procedure was updated and retitled to “Credit for Prior Learning” to reflect changes in Title 5 Section 55050. This procedure also identifies new local procedures that must be added to meet credit for prior learning requirements.

AP 4260 Prerequisites and Co-requisites – This procedure was updated to revise legal citations within the document.

AP 4400 Community Services Programs – This procedure was updated to replace the term “homemaking” with “family and consumer sciences.”

AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students – This procedure was updated to correct typographical errors and to clarify the requirement that students not be admitted unless they have availed themselves to all opportunities to enroll in equivalent courses at their school of attendance applies only to students enrolling in summer session courses. This procedure also includes language that may be used if the district opts to enter into a College and Career Access Pathways (CCAP) partnership under Education Code Section 76004.

This procedure was updated to incorporate changes in the law pertaining to College and Career Access Pathways (CCAP) partnerships between community college districts and school districts.



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AP 5055 Enrollment Priorities – This procedure was updated to add former homeless youth to the list of students who have enrollment priority.

This procedure was updated to add legal citation Education Code Section 66025.92 and reflect the new requirement that priority enrollment be granted to a student who is a recipient of aid under the Tribal TANF program

AP 7348 Accommodations – This procedure was updated to remove a note related to lactation accommodation and specify that a lactation location may not be a bathroom.

AP 5530 Student Rights and Grievances – This procedure was updated to remove a use note in the section addressing appeals and update the appeal procedure to make it more streamlined.

This procedure was revised to remove all requirements regarding grievance hearings regarding sexual harassment and leave other grievance procedures in place.

This procedure was updated to clarify that student grievances related to sex discrimination in education programs and activities may be filed under this procedure and to add a citation to 34 Code of Federal Regulations Parts 106.1 et seq.

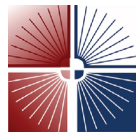
AP 7600 College [Police or Security] – This procedure was updated to revise a citation, include a requirement that Campus Security Officers complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and update the fingerprint requirements for Campus Security Officers. In addition, Use of Force Guidelines* were created for those districts with police departments to comply with SB 230's requirement that law enforcement agencies have a use of force policy no later than January 1, 2021. These Use of Force Guidelines are best codified in the District Police Dept. Handbook or Protocols.

Revisions to the Administrative Procedure Templates July '20

AP 3430 Prohibition of Harassment – This procedure was revised to remove all requirements regarding sexual harassment under Title IX and leave other forms of harassment.

NEW AP 3433 Prohibition of Sexual Harassment under Title IX – This procedure was created to address only sexual harassment as defined in Title IX.

NEW AP 3434 Responding to Harassment Based on Sex under Title IX – This procedure was created to address the requirements of the new Title IX regulations.



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AP 3435 Discrimination and Harassment Complaints and Investigations – This procedure was revised to remove all requirements regarding sexual harassment under Title IX and leave discrimination and other forms of harassment.

AP 3540 Sexual and Other Assaults on Campus – This procedure was revised to align to the requirements of the new Title IX regulations.