

POLICY & PROCEDURE SERVICE

Policy & Procedure Subscription Service

Community College League of California
Liebert Cassidy Whitmore

Legal Updates #37 and #38

October 2020 and April 2021

OVERVIEW

This is the 38th update to district members of the League's Policy & Procedure Subscriber Service, offered in partnership with the law firm of Liebert Cassidy Whitmore. The update reflects new statutes and regulations, legal opinions, and questions from subscribers that have occurred since legal Update 37 (disseminated to member districts in October 2020).

As part of the ongoing updates, the Service biannually updates the templates for diversity, equity, and inclusion-related issues. That process is continuing, and the League is redoubling that effort and commits to integrating diversity, equity, inclusion, and accessibility issues into these reviews of the policy/procedure templates.

Revisions to the Administrative Procedure Templates #37

AP 4500 Student News Media – The Service updated this procedure to add a reference to Education Code Section 66301.

AP 5030 Fees – The Service updated this procedure to remove field trip fees as a prohibited fee.

AP 5035 Withholding of Student Records – The Service updated this procedure to remove transcripts as a student record that may be withheld to comply with the Educational Debt Collection Practices Act.

AP 5040 Student Records, Directory Information, and Privacy – The Service updated this procedure to add a legal reference to Title 5 Section 59410.

AP 5500 Standards of Student Conduct – The Service updated this procedure to specify that conduct that constitutes sexual harassment under Title IX fall under AP 3433 Prohibition of Sexual Harassment under Title IX and AP 3434 Responding to Harassment Based on Sex under Title IX.



POLICY & PROCEDURE SERVICE

AP 5520 Student Discipline Procedures – The Service updated this procedure to clarify the definition of student to specify that the student was enrolled at the District that the time of the alleged violation of the Standards of Student Conduct. The Service also updated this procedure to specify that discipline resulting from a sexual harassment complaint under Title IX must use AP 3434 Responding to Harassment Based on Sex under Title IX.

AP 5700 Intercollegiate Athletics – The Service updated this procedure to add a legal reference to Education Code Section 78223.

Revisions to the Administrative Procedure Templates #38

AP 4106 Nursing Programs – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 4250 Probation – The Service updated this procedure to add optional language to highlight diversity, equity, and inclusion issues.

AP 5015 Residence Determination – The Service updated this procedure to insert a deadline to make a determination on a reclassification petition.

AP 5020 Nonresident Tuition – The Service updated this procedure to reorganize (*inserting a numbering sequence versus bullets in three sections of the template*) to clarify that there are multiple factors that must be satisfied to qualify for the corresponding exemption.

AP 5030 Fees – The Service updated this procedure to remove a citation to Section 54801 of Title 5, which was repealed.

AP 5035 Withholding of Student Records – The Service updated this procedure to reflect changes to Title 5 Regulations that prohibit withholding grades or transcripts in an effort to collect a debt.

AP 5050 Student Success and Support Program – The Service updated this procedure add optional language to highlight diversity, equity, and inclusion issues.

AP 5520 Student Discipline Procedures – The Service updated this procedure to change the abbreviation AS to state “Associated Students” and to add optional language to highlight diversity, equity, and inclusion issues.

AP 5530 Student Rights and Grievances – The Service updated the use note for this procedure to make it legally advised in order to ensure compliance with accreditation requirements.