

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

**PRINT**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2022-09-20-04P</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Governors of the California Community Colleges			AGENCY FILE NUMBER (if any)

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California**SEP. 20 2022****11:22 AM**OFFICE OF ADMIN. LAW  
2022 SEP 20 AM 11:57**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE N/A	TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Excused Withdrawal and Pass-No Pass Grading Option	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
5	AMEND
	55000, 55022, 55023, 55024, 55031, 55032, 55033, 58146, 58161, and 58509
TITLE(S)	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Authority-Ed Code Section 70901.5	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 30 days after filed w/Secretary of State

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Tanya Bosch - Regulation Coordinator	TELEPHONE NUMBER (916) 445-4826	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPE, NAME AND TITLE OF SIGNATORY

Fermin Villegas, Deputy Counsel

09/20/2022

## **Final Revisions to Title 5, Excused Withdrawal and Pass-No Pass Grading Option Regulation.**

**SECTIONS 55000, 55022, 55023, 55024, 55031, 55032, 55033, 58146, 58161, AND 58509 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS ARE AMENDED TO READ:**

### **§ 55000. DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply:

- (a) "Active participatory courses" are those courses where individual study or group assignments are the basic means by which learning objectives are met. ~~obtained~~.
- (b) "Advisory on recommended preparation" means a condition of enrollment that a student is advised, but not required, to meet before or in conjunction with enrollment in a course or educational program.
- (c) "All units attempted" means all units of credit for which the student has enrolled in the current community college district of attendance.
- (d) "CR" means "credit" and is a symbol used to denote that a student received credit for at least satisfactory work in a course taken on a "credit-no credit basis" prior to the Fall 2009 term, or at a different institution which uses the "credit-no credit" symbol. This symbol is the equivalent of "pass" in a "pass-no pass" grading system.
- (e) "Community Services Offering" means a fee-supported community services class authorized pursuant to Education Code section 78300 and approved pursuant to subdivision (d) of section 55002 for which state apportionment is not claimed and credit is not awarded.
- (f) "Content review" means a rigorous, systematic process developed in accordance with sections 53200 to 53204, approved by the Chancellor as part of the district matriculation plan required under section 55510, and that is conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through simultaneous enrollment in a corequisite course.
- (g) "Contract Course" means a course which a community college district offers under a contract pursuant to Education Code section 78021 with a public or private agency, corporation, association, or other organization.
- (h) "Corequisite" means a condition of enrollment consisting of a course that a student is required to simultaneously take in order to enroll in another course.

(i) "Course" means an organized pattern of instruction on a specified subject offered by a community college pursuant to subdivisions (a), (b) or (c) of section 55002.

(j) "Course repetition" occurs when a student who has previously received an evaluative symbol in a credit course, as set forth in section 55023, re-enrolls in that course and receives an evaluative symbol.

(k) "Courses that are determined to be legally mandated" are courses that are required by statute or regulation as a condition of the student's paid or volunteer employment.

(l) "Courses that are related in content" are those courses with similar primary educational activities in which skill levels or variations are separated into distinct courses with different student learning outcomes for each level or variation.

(m) "Educational program" is an organized sequence of courses leading to a defined objective, a degree, a certificate, a diploma, a license, or transfer to another institution of higher education.

(n) "Enrollment" occurs when a student receives an evaluative or nonevaluative symbol pursuant to section 55023 in a credit course.

(o) An "Emergency condition or extraordinary conditions" is a condition ~~are those conditions meeting the requirements of section 58146, subdivision (b), 58509(a) allowing a community college to provide a full refund of enrollment fees to a student.~~

(p) "Intercollegiate academic or vocational competition course" is a course that is designed specifically for participation in non-athletic competitive events between students from different colleges that are sanctioned by a formal collegiate or industry governing body. The participation in the event must be directly related to the course content and objectives pursuant to subdivisions (a) or (b) of section 55002.

(q) "Intercollegiate athletic course" is a course in which a student athlete is enrolled to participate in an organized competitive sport sponsored by the district or a conditioning course which supports the organized competitive sport.

(r) "NC" means "no credit" and is a symbol used to denote that a student did not receive credit for a course taken on a "credit-no credit basis" prior to the Fall 2009 term, or at a different institution which uses the "credit-no credit" symbol. This symbol is the equivalent of "no pass" in a "pass-no pass" grading system.

(s) "Necessary and appropriate" means that a strong rational basis exists for concluding that a prerequisite or corequisite is reasonably needed to achieve the purpose that it purports to serve. This standard does not require absolute necessity.

(t) "Noncredit basic skills courses" are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as noncredit courses pursuant to subdivision (c) of section 55002.

(u) "Nondegree-applicable basic skills courses" are those courses in reading, writing, computation, and English as a Second Language which are designated by the community college district as nondegree-applicable credit courses pursuant to subdivision (b) of section 55002.

(v) "Prerequisite" means a condition of enrollment that a student is required to meet in order to demonstrate current readiness for enrollment in a course or educational program.

(w) "Satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or P as those symbols are defined in section 55023.

(x) "Special classes" means those instructional activities designed to address the educational limitations of students with disabilities who would be unable to substantially benefit from regular college classes even with appropriate support services or accommodations as set forth in section 56028.

(y) "Substandard academic work" means course work for which the grading symbols "D," "F," "FW," or "NP" ~~or "NC"~~ (as defined in section 55023) have been recorded.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

#### **§ 55022. PASS-NO PASS GRADING OPTION.**

(a) The policy adopted pursuant to section 55021 may permit courses to be offered in either or both of the following categories and, if so, shall require that each college catalog specify the category into which each course falls:

(1) Courses in which ~~wherein~~ all students are evaluated on a "pass-no pass" basis.

(2) Courses in which ~~wherein~~ each student may elect until the last day of instruction, as established and published by the districts, ~~on registration, or no later than the end of the first 30 percent of the term,~~ whether the basis of evaluation is to be "pass-no pass" or a letter grade.

(b) All units of credit earned on a "pass-no pass" or "credit-no credit" basis in accredited California institutions of higher education or equivalent out-of-state institutions shall be counted in satisfaction of community college curriculum requirements.

(c) Units earned on a “pass-no pass” basis shall not be used to calculate grade point averages. However, units attempted for which a student receives a the symbol “NP” designation (as defined in section 55023) ~~is recorded~~ shall be considered in probation and dismissal procedures.

~~(d) Notwithstanding any provision of this chapter, a district may continue to designate courses as being offered on a “credit no credit basis” instead of a “pass-no pass” basis and may continue to use the “CR” and “NC” symbols, as defined in section 55030, instead of the “P” and “NP” symbols until the Fall 2009 term. Until the Fall 2009 term, any reference in this chapter to the “P” symbol shall be deemed to include the “CR” symbol and any reference to the “NP” symbol shall be deemed to include the “NC” symbol.~~

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

**§ 55023. ACADEMIC RECORD SYMBOLS AND GRADE POINT AVERAGE.**

(a) Except as provided in subdivisions (b) and (c), grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols:

<i>Symbol</i>	<i>Definition</i>	<i>Grade Point</i>
A	Excellent	4
B	Good	3
C	Satisfactory	2
D	Less than satisfactory	1
F	Failing	0
P	Passing (At least satisfactory - units awarded not counted in GPA. Has the same meaning as “CR” as that symbol was defined prior to June 30, 2007.)	

NP No Pass (Less than satisfactory, or failing - units not counted in GPA. NP has the same meaning as "NC" 2007.)

SP Satisfactory Progress towards completion of the course (Used for noncredit courses only and is not supplanted by any other symbol.)

(b) The governing board of a community college district may use "plus" and "minus" designations in combination with letter grades, except that the grade of C minus shall not be used. If pluses and minuses are used, the grade point value of a plus shall be computed by adding 0.3 to the value assigned to the letter grade with which it is combined, and the grade point value of a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade with which it is combined, except that no grade point value shall be less than 0 or greater than 4.0.

(c) Regardless of whether the governing board elects to use plus and minus grading, it may provide for the use of the "FW" grade symbol to indicate that a student has both ceased participating in a course some time after the last day to officially withdraw from the course without having achieved a final passing grade, and that the student has not received district authorization to withdraw from the course under extenuating circumstances. The "FW" symbol may not be used if a student has qualified for and been granted military withdrawal. If "FW" is used, its grade point value shall be zero (0).

(d) The governing board of each community college district shall publish the point equivalencies for the grades used in subdivision (a), or, subdivisions (a) and (b) (if pluses and minuses are used) in the catalog or catalogs of each college in the district as a part of its grading policies. In the event the governing board chooses to use the "FW" described in subdivision (c), it shall be included in the grading system and point equivalencies published in the catalog.

(e) The governing board of each community college district may authorize the use, under controls and conditions specified below, of only the following nonevaluative symbols:

<i>Symbol</i>	<i>Definition</i>
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Incomplete: Incomplete academic work for unforeseeable, emergency and justifiable reasons at the end of the term may result in an "I" symbol being entered in the student's record. The condition for the removal of the "I" shall be stated by the instructor in a written record. This record shall contain the conditions for the removal of the "I" and the grade assigned in lieu of its removal. This record must be given to the student with a copy on file with the registrar until the "I" is made up or the time limit has passed. A final grade shall be assigned when the work stipulated has been completed and evaluated, or when the time limit for completing the work has passed.

The "I" may be made up no later than one year following the end of the term in which it was assigned.

The "I" symbol shall not be used in calculating units attempted nor for grade points. The governing board shall provide a process whereby a student may petition for a time extension due to unusual circumstances.

IP

In progress: The "IP" symbol shall be used only in those courses ~~that which~~ extend beyond the normal end of an academic term. It indicates that work is "in progress," but that assignment of an evaluative symbol (grade) must await its completion. ~~The "IP" symbol shall remain on the student's permanent record in order to satisfy enrollment documentation.~~ The appropriate evaluative symbol (grade) and unit credit shall be assigned and ~~appear on the student's permanent record for the term in which the course is completed~~ replace the IP symbol once the course is completed. ~~The "IP" shall not be used in calculating grade point averages. If a student enrolled in an "open-entry, open-exit" course is assigned an "IP" at the end of a term and does not re-enroll in that course during the subsequent term, the appropriate faculty will assign an evaluative symbol (grade) in accordance with subdivision (a) or (a) and (b) if plus and minus grading is used) to be recorded on the student's permanent record for the course.~~

RD

Report Delayed: The "RD" symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. "RD" shall not be used in calculating grade point averages.

W

Withdrawal: The "W" symbol may be used to denote withdrawal in accordance with the requirements of section 55024.



MW

Military Withdrawal: The “MW” symbol may be used to denote military withdrawal in accordance with section 55024.

EW

Excused Withdrawal: The “EW” symbol may be used as described in, and in accordance with, section 55024.

(f) In calculating students' degree-applicable grade point averages, grades earned in nondegree-applicable credit courses shall not be included.

(g) The governing board of each district shall adopt rules and regulations governing the inclusion or exclusion of units in which a student did not receive a grade or “pass-no pass” or from which the student withdrew in accordance with rules adopted by the district.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

**§ 55024. WITHDRAWALS FROM CREDIT COURSES.**

~~(a) The District governing boards of a district which decides to provide a withdrawal procedure shall adopt a policyies which governing provides for withdrawal from credit courses consistent with the following that implement the requirements of this section.:~~

~~(1) Student withdrawal procedures shall be published in the course catalog. These procedures shall provide that students withdraw from a course by notifying the college registrar and that the registrar shall inform appropriate college district personnel, including faculty.~~

~~(1) Withdrawal from a course or courses shall be authorized through the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less). The governing board, however, may establish a final withdrawal date which prohibits withdrawal after a designated point in time between the end of the fourth week of instruction (or 30 percent of a term, whichever is less) and the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less). The academic record of a student who remains in a course beyond the time allowed by district policy must reflect a symbol as authorized in section 55023 other than a “W.”~~

~~(b)(1) A student who withdraws prior to the end of the fourth week of a course, or the expiration of 30 percent of a term, whichever occurs earlier, shall not receive the withdrawal symbol “W” on their transcript. A student who withdraws after this period, but before the end of the fourteenth week of a course, or the expiration of 75 percent of a term, whichever occurs earlier, shall receive the withdrawal symbol “W” on their~~

transcript, unless the district selects an earlier final withdrawal date. A student who remains in a course beyond the district withdrawal date may not withdraw, and shall receive the appropriate symbol on their transcript, as authorized in section 55023. The governing board may establish a period of time shorter than the first four weeks or 30 percent of a term, during which no notation shall be made. The "W" shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal of a student.

(2)(A) Military withdrawal occurs when a student on active or reserve status in the United States military or National Guard receives orders compelling a withdrawal from courses. Upon verification of such orders, the military withdrawal symbol "MW" shall be assigned to all courses affected by the military withdrawal.

(B) Military withdrawals shall not be counted in progress probation and dismissal calculations, and shall not be counted toward the permitted number of withdrawals or counted as an enrollment attempt.

~~(2) The governing board may by regulation authorize withdrawal from a course or courses in extenuating circumstances after the last day of the fourteenth week (or 75 percent of the term, whichever is less) upon petition of the student or his or her representative and after consultation with the appropriate faculty. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.~~

~~(3) No notation ("W" or other) shall be made on the academic record of the student who withdraws during the first four weeks or 30 percent of a term, whichever is less. The governing board may establish a period of time shorter than the first four weeks or 30 percent of a term, during which no notation shall be made.~~

~~(4) Withdrawal between the end of the fourth week (or such time as established by the district) and the last day of the fourteenth week of instruction (or 75 percent of a term, whichever is less) shall be authorized, provided the appropriate faculty is informed.~~

~~(5) Withdrawal after the end of the fourteenth week (or 75 percent of a term, whichever is less) when the district has authorized such withdrawal in extenuating circumstances, after consultation with appropriate faculty, shall be recorded as a "W."~~

~~(6) For purposes of withdrawal policies, the term "appropriate faculty" means the instructor of each course section in question or, in the event the instructor cannot be contacted, the department chair or appropriate administrator.~~

~~(7) The "W" shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal pursuant to article 3 of this subchapter.~~

~~(8) A "W" shall not be assigned, or if assigned shall be removed, from a student's academic record, if a determination is made pursuant to sections 59300 et seq. that the~~

student withdrew from the course due to discriminatory treatment or due to retaliation for alleging discriminatory treatment.

~~(9) The district policy shall establish the number of times (not to exceed three times) that a student may withdraw and receive a "W" symbol on his or her record for enrollment in the same course. The district policy may permit a student to enroll again in a course after having previously received the authorized number of "W" symbols in the same course in colleges within the district, if the chief instructional officer, chief student services officer or other district official designated in the district policy approves such enrollment after review of a petition filed by the student.~~

~~(10) The district policy may provide that a "W" symbol will not be assigned to any student who withdrew from one or more classes, where such withdrawal was necessary due to fire, flood or other extraordinary conditions and the withdrawal is authorized by the district pursuant to section 58509.~~

~~(11) The district policy shall include provisions for intervention in cases of multiple withdrawals.~~

~~(b) Within the parameters set forth in subdivision (a), criteria for withdrawal and the procedures to accomplish it shall be established by the district governing board and published in college catalogs.~~

~~(c) A district's responsibilities with respect to enrollment or attendance accounting shall not be modified or superseded in any way by adoption of a withdrawal policy.~~

~~(d) The governing board of a district which decides to provide a withdrawal policy shall also adopt military withdrawal procedures consistent with the following:~~

~~(1) "Military Withdrawal" (MW) occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned shall be a "MW."~~

~~(2) Military withdrawals shall not be counted in progress probation and dismissal calculations.~~

~~(3) Military withdrawals shall not be counted toward the permitted number of withdrawals or counted as an enrollment attempt.~~

~~(4) In no case may a military withdrawal result in a student being assigned an "FW" grade.~~

(c)(1) Excused withdrawals shall be allowed to students in extenuating circumstances at any time, upon petition of the student or their representative.

(2) "Extenuating circumstances" means cases of accidents, illnesses, or other circumstances beyond the control of the student. Colleges shall proactively engage with the student or their representative to identify available college support services that may mitigate the extenuating circumstances and prevent withdrawal. If mitigation efforts are unsuccessful, the student shall receive the excused withdrawal symbol ("EW") on their transcript. Students shall not be denied an excused withdrawal due to a college's inability to respond to the petition or to provide sufficient assistance to mitigate the student's circumstances.

(3) An excused withdrawal shall not be counted in progress probation and dismissal calculations, or toward the permitted number of withdrawals or enrollment attempts. In no case may an excused withdrawal result in a student being assigned an "FW" grade.

(4) An excused withdrawal shall be assigned if a determination is made that the student withdrew from a course due to unlawful discrimination or retaliation.

(5) An excused withdrawal shall be assigned if a student withdraws from a course due an extraordinary condition under section 58509.

~~(e) The governing board of a district that decides to provide a withdrawal policy shall also adopt an excused withdrawal procedure based upon verifiable documentation supporting the request.~~

~~(1) "Excused Withdrawal" (EW) occurs when a student is permitted to withdraw from a course(s) due to specific events beyond the control of the student affecting his or her ability to complete a course(s) and may include a job transfer outside the geographical region, an illness in the family where the student is the primary caregiver, when the student who is incarcerated in a California state prison or county jail is released from custody or involuntarily transferred before the end of the term, when the student is the subject of an immigration action, or other extenuating circumstances as described in (a)(2), making course completion impracticable. In the case of an incarcerated student, an excused withdrawal cannot be applied if the failure to complete the course(s) was the result of a student's behavioral violation or if the student requested and was granted a mid-semester transfer. Upon verification of these conditions and consistent with the district's required documentation substantiating the condition, an excused withdrawal symbol may be assigned at any time after the period established by the governing board during which no notation is made for withdrawals. The withdrawal symbol so assigned shall be an "EW."~~

~~(2) Excused withdrawal shall not be counted in progress probation and dismissal calculations.~~

~~(3) Excused withdrawal shall not be counted toward the permitted number of withdrawals or counted as an enrollment attempt.~~

(4) In no case may an excused withdrawal result in a student being assigned an "FW" grade.

(fd) Neither this section, nor a district's withdrawal policy, may be construed to conflict with district enrollment and attendance accounting responsibilities. Notwithstanding the limits set forth above, apportionment will be limited as set forth in section 58161.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

### **§ 55031. STANDARDS FOR PROBATION.**

(a) Academic probation. A student who has attempted at least 12 semester or 18 quarter units as shown by the official academic record shall be placed on academic probation if the student has earned a grade point average below 2.0 in all units which were graded on the basis of the grading system described in section 55023.

(b) Progress probation. A student who has enrolled in a total of at least 12 semester or 18 quarter units as shown by the official academic record shall be placed on progress probation when the student receives symbols of "W," "I," or "NP" (as defined in sections 55023 and 55030) in fifty percent (50 percent) or more of all units in which a student has enrolled, percentage of all units in which a student has enrolled and for which entries of "W," "I," "NP" and "NC" (as defined in sections 55023 and 55030) are recorded reaches or exceeds fifty percent (50 percent).

(c) The governing board of a community college district may adopt standards for probation, provided any such standard is at least as favorable to student progress as the standards established in subdivisions (a) and (b). ~~not lower than those standards specified in subdivisions (a) and (b) of this section. Specifically:~~

~~(1) A district may establish, as the minimum number of units before academic or progress probation is assessed, a number of units fewer than 12 semester or 18 quarter units; or~~

~~(2) A district may establish, as the minimum grade point average for academic probation purposes, a grade point average greater than 2.0; or~~

~~(3) A district may establish, as the minimum percentage of units of "W," "I," "NP," and "NC," a percentage less than fifty percent (50%).~~

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

### **§ 55032. REMOVAL FROM PROBATION.**

(a) A student on academic probation for a grade point deficiency shall be removed from probation when the student's accumulated grade point average is 2.0 or higher.

(b) A student on progress probation because of an excess of units for which entries of "W," "I," and "NP" and "NC" (as defined in section 55023 and 55030) are recorded shall be removed from probation when the percentage of units in this category drops below fifty percent (50%).

(c) The governing board of a district shall adopt and publish procedures and conditions for probation, and appeal of probation, and requests for removal from probation. ~~Such procedures and conditions may establish standards not lower than those standards specified in subdivisions (a) and (b) of this section. Specifically: Any such standard must be at least as favorable to student progress as the standards established in subdivisions (a) and (b).~~

~~(1) A district may establish, as a minimum grade point average for removal from academic probation, a grade point average greater than 2.0; or~~

~~(2) A district may establish, as the minimum percentage of units of "W," "I," "NP," and "NC," a percentage less than fifty percent (50%) for removal from probation.~~

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

### **§ 55033. STANDARDS FOR DISMISSAL.**

(a) For purposes of this section, semesters or quarters shall be considered consecutive on the basis of the student's enrollment, so long as the break in the student's enrollment does not exceed one full primary term.

(ba) A student who is on academic probation shall be subject to dismissal if the student earned a cumulative grade point average of less than ~~1.75~~ 2.0 in all units attempted in each of 3 consecutive semesters (5 consecutive quarters) which were graded on the basis of the grading system described in section 55023.

(cb) A student who has been placed on progress probation shall be subject to dismissal if the percentage of units in which the student has been enrolled for which entries of "W," "I," and "NP" and "NC" (as defined in section 55023 and 55030) are recorded in at least 3 consecutive semesters (5 consecutive quarters) reaches or exceeds fifty percent (50%) in accordance with section 55031.

(de) The governing board of a district shall adopt and publish procedures and conditions for dismissal and appeal of dismissal and request for reinstatement. ~~Such procedures and conditions may establish standards not lower than the standards specified in subdivisions (a) and (b) of this section. Specifically: Any such standard must be at least as favorable to student progress as the standards established in subdivisions (b) and (c).~~

~~(1) A district may establish, as the minimum cumulative grade point average for dismissal purposes, a grade point average greater than 1.75; or~~

(2) A district may establish, as the minimum percentage of units of "W," "I," "NP," and "NC," a percentage less than fifty percent (50%), or

(3) A district may establish, as a minimum number of consecutive semesters or quarters, a number fewer than 3 consecutive semesters or 5 consecutive quarters.

(d) The district board shall adopt rules setting forth the circumstances that shall warrant exceptions to the standards for dismissal herein set forth.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 70902 and 76000, Education Code.

**§ 58146. EMERGENCY CONDITIONS ALLOWANCE FOR DISTRICTS UNABLE TO MAINTAIN COLLEGE FOR PRESCRIBED TIME; GENERAL PURPOSE APPORTIONMENTS MATERIALLY DECREASED.**

(a) An emergency conditions allowance is an allocation of funds calculated to approximate the same general purpose apportionments the district would have received from the State School Fund had an emergency or extraordinary condition not occurred. ~~The Chancellor may authorize an emergency conditions allowance may be provided, subject to approval by the Chancellor, to for a district affected by an emergency or extraordinary condition, as defined pursuant to subdivision (b). The allowance shall be calculated to approximate the same general purpose apportionments from the State School Fund as the district would have received had the emergency not occurred.~~

(b) An "emergency or extraordinary condition" ~~is defined as one is an event of the following that specifically causes the district to be prevented a district from maintaining instruction its schools during that fiscal year for at least 175 days during a fiscal year, or materially decreases a district's the general purpose apportionments, of a district calculated pursuant to Education Code section 84750.4 or 84750.5 to be materially decreased in that year or subsequent years:~~ An "emergency or extraordinary condition" may be caused by the following events:

(1) fire;

(2) flood;

(3) earthquake;

(4) impassable roads;

(5) an epidemic or a pandemic;

(6) the imminence of a major safety hazard as determined by a the local law enforcement agency;

(7) a strike involving public transportation services used by to students provided by a nondistrict entity;

(8) the unavailability of classroom facilities leased by the district where the unavailability is caused by extraordinary factors wholly external to and beyond the control of the district;

(9) any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war;

(10) a public health crisis recognized by an order of a city or county board of health, or of the State Department Board of Public Health; or

(11) another emergency declared by the state government or the federal government.

~~(c) The facts demonstrating the applicability of one of the circumstances described in subdivision (b) shall be established to the satisfaction of the Chancellor may require by affidavits from of the members of the appropriate district officials governing board to establish the impacts an event has caused to of the district, and (d) As a condition to receiving an emergency conditions allowance, the district must to demonstrate to the satisfaction of the Chancellor that it made good faith its efforts to mitigate the effects of the event and to avoid a material decrease in to its the general purpose apportionments, of a district calculated pursuant to Education Code section 84750.4 or 84750.5.~~

Note: Authority cited: Sections 66700, 70901, 84750.4 and 84750.5, Education Code.  
Reference: Section 70901, Education Code.

#### **§ 58161. APPORTIONMENT FOR CREDIT COURSE ENROLLMENT.**

(a) A community college district may claim state apportionment the attendance of for students enrolled students for enrollments in credit courses on the district's census date, except as otherwise indicated in this section. ~~for state apportionment only if so authorized by this section and if all other requirements of this division are satisfied. For purposes of this section, the definition of enrollment found in section 55000 shall apply.~~

(b) A district may not receive claim state apportionment for a student who has previously received a satisfactory grade, as defined in section 55000, subdivision (w), in the same credit course an enrollment in a credit course for the attendance of a student who receives a satisfactory grade, as defined in section 55000, one time, unless an one-time exception applies.

(c) A district may claim state apportionment for the attendance of students for enrollments enrolled in a credit course no more than totaling a maximum of three times, per credit course and if all other requirements of this division are satisfied.



(d)(1) Notwithstanding subdivisions (b) and (c) of this section, a district may claim state apportionment for students enrolled in credit courses ~~the attendance of students for enrollments in credit courses~~ designated as repeatable under, ~~as provided in section 55041, as defined in section 55000,~~ for no more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or “W” during one or more of the enrollments in such a course.

(2) Notwithstanding subdivisions (b) and (c) of this section, a district may claim state apportionment for students enrolled ~~for the attendance of students~~ in active participatory credit courses that are related in content, in physical education, visual arts, or performing arts, ~~as provided in section 55040(c),~~ for no more than four times for semester courses or six times for quarter courses. This limitation applies even if a student receives a substandard grade or “W” during one or more of the enrollments in such a course.

(e) Notwithstanding subdivisions (b), (c), and (d) and (e) ~~and (e)~~ of this section, a district may claim state apportionment for one additional enrollment if ~~all other requirements of this division are met and only in the following circumstances:~~ (1) The attendance of a student ~~for an enrollment in a credit course resulting in that student's repetition of that credit course~~ when because the district determines pursuant to section 55043 that there has been a significant lapse of time as defined in section 55043, ~~of time of no less than 36 months since the student previously successfully completed the course, unless an exception to the 36 month requirement applies.~~

~~(2) The attendance of a student for an enrollment in a credit course which is a repetition of the credit course pursuant to section 55045 due to extenuating circumstances, if such credit course is not designated as repeatable pursuant to section 55041.~~

(f) Notwithstanding subdivisions (b), (c), and (d) and (e) ~~and (e)~~ of this section, a district may claim state apportionment for students enrolled ~~the attendance of students~~ in credit courses ~~for enrollments in the credit courses~~ without limitation if ~~all other requirements of this division are met and~~ in the following circumstances:

(1) The student is enrolled ~~attendance of a student in a~~ legally mandated training class ~~as provided in section 55040(b)(8).~~

(2) The student is enrolled ~~attendance of a student with a disability may be claimed for state apportionment for each enrollment by that student in a credit special class as a~~ due to a disability-related accommodation ~~which is justified by one of the circumstances described in section 56029.~~

(3) The student is enrolled ~~Except for active participatory courses in physical education, visual arts, or performing arts, the attendance of a student for each enrollment in a~~ portion of ~~in~~ a variable unit open entry/open exit credit course, but that is necessary for the student to complete one time the entire curriculum of the course as described in the

~~course outline of record, may be counted for state apportionment only to the extent that repetition of such courses is permitted under pursuant to section 55044.~~

~~(4) The attendance of a student is enrolled for each enrollment in work-experience education, a cooperative work-experience course pursuant to section 55253.~~

~~(5) The attendance of a student for each enrollment in a direct-assessment competency-based education module pursuant to Sections 55270 and 55270.13.~~

~~(6) The attendance of a student withdrawing as a result of extraordinary conditions pursuant to section 55024(a)(10).~~

~~(7) The attendance of a student receiving a military withdrawal ("MW") pursuant to section 55024(d)(1).~~

~~(8) The attendance of a student withdrawing as a result of discriminatory treatment pursuant to section 55024(a)(8).~~

~~(9) The attendance of a student is enrolled in a course as a result of a change in industry or licensure standards such that repetition of the course is necessary for employment or licensure, as set forth in section 55040(b)(9).~~

(g) To the extent permitted by article 4 of subchapter 1 of chapter 6, a district may permit enrollment in credit courses beyond the limits set forth in this section, but such additional enrollments may not be claimed for state apportionment.

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

### **§ 58509. REFUND OF ENROLLMENT FEES AND WITHDRAWAL DUE TO AN EXTRAORDINARY CONDITION.**

#### **AUTHORITY OF CHANCELLOR TO WAIVE PROVISIONS TO ACCOMMODATE STUDENTS IMPACTED BY EXTRAORDINARY CONDITIONS.**

(a) Notwithstanding section 58508, a community college district may provide a full refund of enrollment fees to any student who withdrew from one or more ~~classes~~ courses, where the district finds that such withdrawal was necessary for one of the following reasons:

(1) the college attended by the student was closed or the college was unable to provide all or substantially all of the instruction in the course or courses in which the student was enrolled due to fire, flood or other conditions ~~qualifying for adjustment of apportionment pursuant to~~ as defined in section 58146; or

(2) ~~although the district does not qualify for an apportionment adjustment pursuant to section 58146,~~ the student was personally impacted by an event enumerated in section 58146, one of the conditions enumerated in that section made it difficult or impossible for

~~preventing the student from attending one or more courses, because the student was actively engaged in responding to the fire, flood or other condition or because such condition required the student to evacuate his or her home.~~

(b) Consistent with section 55024, subdivision (a)(4), a community college district shall record an "EW" ~~need not record a "W"~~ on the academic records of a student who withdraws from one or more ~~classes~~ courses due to any of the circumstances described in subdivision (a).

~~(c) The Chancellor is authorized, upon receipt of a written request from a community college district, to waive any provision of this title in order to accommodate students affected by any of the circumstances described in subdivision (a).~~

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