



**NOTICE OF PROPOSED RULEMAKING  
TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING  
EXCUSED WITHDRAWAL AND PASS-NO PASS GRADING OPTION**

**45-Day Notice published September 9, 2021**

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the Board of Governors Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing and considering all comments, objections, or recommendations received regarding the proposed action.

**PUBLIC HEARING**

A public hearing will be held via Zoom videoconferencing during the next regularly scheduled Board of Governors meeting on September 20, 2021. The hearing will commence at or about 12:30 p.m.

To prevent the spread of novel coronavirus (COVID-19), the Board of Governors is temporarily offering an additional method for public comment. The public is encouraged to watch the board meeting online and either submit a written public comment or provide public comment to the Board of Governors, details are below.

**Public Comment:** Members of the public wishing to comment on specific board items or during the Public Forum may do so in advance or during the live board of governors meeting. All comments will be limited to three minutes and the following policies:

a) You may submit your comment in advance via email to [boardcomments@cccco.edu](mailto:boardcomments@cccco.edu). In the email subject line, specify the item number you wish to comment on or indicate "Public Forum". You may identify yourself or specify that you wish to remain anonymous at the top of your email. All written public comments for the Board of Governors meeting must be received by the end of business on September 15, 2021. Comments meeting the deadline will be provided to the Board of Governors and posted for public viewing.

b) During the live board of governors meeting, you may use the Raise Hand feature on the Zoom platform to make a verbal comment to the Board. A Chancellor's Office employee will announce your name and grant you the ability to speak to the Board. You are requested to identify yourself and present your comment at that time.

### **ZOOM VIDEOCONFERENCING**

Please use the link below to join the webinar:

<https://cccconfer.zoom.us/j/381430034>

Dial US: +1 669 900 6833 | Webinar ID: 381 430 034

Password: **234632**

International numbers available: <https://cccconfer.zoom.us/u/acIPAzrcGq>

### **WRITTEN COMMENT PERIOD**

Any interested person may submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator  
California Community Colleges  
Chancellor's Office  
1102 Q Street, Suite 4550  
Sacramento, CA 95811-6549  
[regcomments@cccoco.edu](mailto:regcomments@cccoco.edu)

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on October 24, 2021. All written comments received by CCCCO staff during the public comment period are subject to disclosure under the Public Records Act.

### **CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS**

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be

available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

## **INFORMATIVE DIGEST**

The Board of Governors of the California Community Colleges proposes regulatory amendments to certain provisions of title 5 of the California Code of Regulations related to excused withdrawals (EW) and Pass-No Pass grading options.

### **Pass-No Pass Regulation Changes**

The proposed changes to title 5, section 55022, stem from Executive Order 2020-02, which temporarily suspended various grade-related regulations in response to the COVID-19 pandemic. Upon review of the Spring 2020 enrollment, persistence, and completion data, and the strategies utilized to support student retention, system stakeholders questioned the purpose, function, and benefit of the time constraints for selecting a Pass-No Pass grading option. Stakeholders also continued to acknowledge that community college students, who balance multiple competing priorities and demands, may find themselves in crisis outside of the COVID-19 context and choose to drop a course rather than attempt to persist due to these same concerns.

In consultation with system stakeholders, the proposed regulation changes extend the allowable time period for students to select the Pass-No Pass grading option up to the last day of instruction. These changes would provide students with greater grading flexibility and support student persistence during periods of time when external constraints present barriers. These changes will also assist students with preserving or maintaining their GPA.

As part of this regulation change, title 5 sections 55022, 55000, 55023, 55031, 55032, 55033, of the California Code of Regulations are also included with minor, non-substantive changes to bring them into alignment with the proposed substantive changes.

### **Excused Withdrawals Regulation Changes**

Executive Order 2020-01, temporarily suspended student withdrawal regulations during the COVID-19 pandemic related to the use of the “EW” grading symbol.

The flexibility to provide excused withdrawals surfaced regulatory discrepancies between regulations detailing two distinct types of emergency scenarios, “extraordinary conditions” and “extenuating circumstances”. A withdrawal related to an extraordinary condition is primarily connected to external factors that can impact both the college and the student. A classic example would be a fire that closes a campus. With respect to the student, this type of withdrawal involves a fee refund and allows for repeatability, and for the college, there is no limit on claiming apportionment, and an emergency condition allowance may apply. A withdrawal due to extenuating circumstances is more student focused and limits repeatability and apportionment. An added complication is that the general withdrawal regulation allows for both a “withdrawal” and an “excused withdrawal,” but they have different outcomes even though they are both tied to an extenuating circumstances. The intent of the proposed regulation change is to align these two regulatory schemes to reduce confusion and administrative burdens by providing that:

1. State aid and repeatability rules are the same for withdrawals under both types of emergency situations; and
2. withdrawals for extenuating circumstances are all treated as excused withdrawals.

Proposed regulation changes related to withdrawals for extraordinary conditions include the following:

- Change section 58509 to more accurately reflect the purpose of the regulation.
- Remove language in section 58509, subdivision (a)(2) that purports to exclude apportionment for colleges when students withdraw due to an extraordinary condition as this language conflicts with section 58161.
- Delete section 58509, subdivision (b) because it is duplicative.
- Delete section 58509, subdivision (c) related to waiver, and create a new section, 58509.1.
- Add pandemics to list of extraordinary conditions in section 58146.
- Modify the definition of extraordinary conditions.
- Add a provision allowing the college to record an “EW” grading symbol when a student withdraws from a course due to an extraordinary condition.

Proposed regulation changes related to withdrawals for extenuating circumstances include the following:

- Eliminate W,” or withdrawal, for extenuating circumstances and follow the EW subdivision.
- Modify the verification requirements to focus on college efforts to mitigate withdrawal.
- Delete limits on apportionment and repeatability in section 58161, similar to section 58509 and extraordinary conditions.

## **ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS**

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*.

Other non-discretionary cost or savings imposed on community college districts: *None*.

Cost or savings in federal funding to state agencies: *None*.

The proposed amendments to title 5 would result in no fiscal impact to local or state governments, nor will it have any fiscal impact on any federal funding.

## **CONTACT PERSON**

Inquiries concerning the content of these regulations may be directed to the Regulations Coordinator, at [regcomments@cccco.edu](mailto:regcomments@cccco.edu).

## **TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS**

Copies of the language of the proposed regulatory action, and all of the information upon which the proposal is based, may be obtained online at:

[Office of General Counsel - Pending Regulatory Actions](#)

Those who receive the Board of Governors Agenda package for the September 20, 2021, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.