BP 4020  PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT

References:
Education Code Sections 70901(b), 70902(b), and 78016;
Title 5 Sections 51000, 51022, 55002.5, 55100, 55130, and 55150;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;
34 Code of Federal Regulations Sections 600.2, 602.24, 603.24, and 668.8;
ACCJC Accreditation Standards II.A and II.A.9

NOTE: This policy is legally required. The following policy indicates that the Board of Trustees retains authority to approve new programs and courses, and discontinue programs, and delegates the authority for all other actions to the Superintendent/President. It is the legally advised option but options that delegate all authority to the Superintendent/President or that require Board approval for new courses and discontinue courses are legal. However, it is suggested that Board not require staff to submit program or course modifications to them for approval.

The portion of this policy regarding credit hour definition is legally required in an effort to show good faith compliance with the applicable federal regulations.

❖ From current Napa Valley College BP 4020 Program, Curriculum, and Course Development

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the Superintendent/President District, relying primarily on the Curriculum Committee as a standing committee of the Academic Senate, shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance, in accordance with Title V Section 53200 and Board Policy 2510. establishes procedures for the development and review of all curricular offerings, including their initiation and modification.

Furthermore, these procedures shall include:
• appropriate involvement of the faculty and the advice of the Academic Senate in all processes;
• regular review and justification of programs and course descriptions;
• training opportunities for persons involved in aspects of curriculum development; and
• consideration of job market and other related information for vocational and occupational programs.

All new programs and program deletions shall be approved by the Board of Trustees.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board of Trustees. Non-degree-applicable credit and degree-applicable courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board of Trustees.

All new programs shall be submitted to the California Community Colleges Chancellor's Office for approval as required.

**Credit Hour**
Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a “credit hour” program or a “clock hour” program.

The Superintendent/President, along in consultation with the Academic Senate, will establish procedures which prescribe the definition of “credit hour” consistent with applicable Title 5 and federal regulations, as they apply to community college districts.

The Superintendent/President, along in consultation with the Academic Senate, shall establish procedures to assure that curriculum at the District complies with the definition of “credit hour” or “clock hour,” where applicable. The Superintendent/President, along in consultation with the Academic Senate, shall also establish a procedure for using a clock-to-credit hour conversion formula, to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

[Defined in BP/AP 4029]

See also Administrative Regulations [ AR 4020, AR 4022]. AP 4020 Program and Curriculum Development and AP 4022 Course Approval.

**NOTE:** The language in red ink is legally required and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current Napa Valley College BP 4020 Program, Curriculum, and Course Development adopted on 7/9/15 (combines I7825 and I7830. Procedural language moved to AR 4020 and AR 4022). The language in blue ink is included for
The language in yellow highlighting is intended to draw the reviewers’ attention, and this language will be removed upon official revision of this document.

Adopted: 7/9/15
Revised: (Replaces previous versions of BP 4020)
Legal Citations for BP 4020

EDUCATION CODE SECTIONS 70901(b) and 70902(b)

EDUCATION CODE - EDC
TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]
   ( Title 3 enacted by Stats. 1976, Ch. 1010. )
DIVISION 7. COMMUNITY COLLEGES [70900 - 88922]
   ( Division 7 enacted by Stats. 1976, Ch. 1010. )
   PART 43. THE CALIFORNIA COMMUNITY COLLEGES [70900 - 70902]
   ( Heading of Part 43 renumbered from Part 43.5 by Stats. 1995, Ch. 758, Sec. 78. )

70901.
(a) The Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. The work of the board of governors shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the California Community Colleges.

(b) Subject to, and in furtherance of, subdivision (a), and in consultation with community college districts and other interested parties as specified in subdivision (e), the board of governors shall provide general supervision over community college districts, and shall, in furtherance of those purposes, perform the following functions:

(1) Establish minimum standards as required by law, including, but not limited to, the following:

(A) Minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

(B) Minimum standards for the employment of academic and administrative staff in community colleges.

(C) Minimum standards for the formation of community colleges and districts.

(D) Minimum standards for credit and noncredit classes.

(E) Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(2) Evaluate and issue annual reports on the fiscal and educational effectiveness of community college districts according to outcome measures cooperatively developed with those districts, and provide assistance when districts encounter severe management difficulties.
(3) Conduct necessary systemwide research on community colleges, and provide appropriate information services, including, but not limited to, definitions for the purpose of uniform reporting, collection, compilation, and analysis of data for effective planning and coordination, and dissemination of information.

(4) (A) Provide representation, advocacy, and accountability for the California Community Colleges before state and national legislative and executive agencies.

(B) In order to wholly engage in the recognition review process of an accrediting agency pursuant to subdivision (c) of Section 72208, conduct a survey of the community colleges, including consultation with representatives of both faculty and classified personnel, to develop a report to be transmitted to the United States Department of Education and the National Advisory Committee on Institutional Quality and Integrity that reflects a systemwide evaluation of the regional accrediting agency based on the criteria used to determine an accreditor’s status.

(5) (A) Administer state support programs, both operational and capital outlay, and those federally supported programs for which the board of governors has responsibility pursuant to state or federal law. In so doing, the board of governors shall do the following:

(i) (I) Annually prepare and adopt a proposed budget for the California Community Colleges. The proposed budget shall, at a minimum, identify the total revenue needs for serving educational needs within the mission, the amount to be expended for the state general apportionment, the amounts requested for various categorical programs established by law, the amounts requested for new programs and budget improvements, and the amount requested for systemwide administration.

(II) The proposed budget for the California Community Colleges shall be submitted to the Department of Finance in accordance with established timelines for development of the annual Budget Bill.

(ii) To the extent authorized by law, establish the method for determining and allocating the state general apportionment.

(iii) Establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes.

(B) The board of governors may enter into a direct contract with the Academic Senate for the California Community Colleges for the purpose of supporting statewide initiatives, projects, and programs within the purview of the Academic Senate for the California Community Colleges. If the board of governors elects to enter into a direct contract with the Academic Senate for the California Community Colleges, the contract shall specify the objectives and the expected outcomes of the contract.

(6) (A) Establish minimum conditions entitling districts to receive state aid for support of community colleges. In so doing, the board of governors shall establish and carry out a periodic review of each community college district to determine whether it has met the minimum conditions prescribed by the board of governors.
(B) In determining whether a community college district satisfies the minimum conditions established pursuant to this section, the board of governors shall review the regional accreditation status of the community colleges within that district.

(7) Coordinate and encourage interdistrict, regional, and statewide development of community college programs, facilities, and services.

(8) Facilitate articulation with other segments of higher education with secondary education.

(9) Review and approve comprehensive plans for each community college district. The plans shall be submitted to the board of governors by the governing board of each community college district.

(10) Review and approve all educational programs offered by community college districts and all courses that are not offered as part of an educational program approved by the board of governors.

(11) Exercise general supervision over the formation of new community college districts and the reorganization of existing community college districts, including the approval or disapproval of plans therefor.

(12) Notwithstanding any other provision of law, be solely responsible for establishing, maintaining, revising, and updating, as necessary, the uniform budgeting and accounting structures and procedures for the California Community Colleges.

(13) Establish policies regarding interdistrict attendance of students.

(14) Advise and assist governing boards of community college districts on the implementation and interpretation of state and federal laws affecting community colleges.

(15) Contract for the procurement of goods and services, as necessary.

(16) Carry out other functions as expressly provided by law.

(c) Subject to, and in furtherance of, subdivision (a), the board of governors shall have full authority to adopt rules and regulations necessary and proper to execute the functions specified in this section as well as other functions that the board of governors is expressly authorized by statute to regulate.

(d) Wherever in this section or any other statute a power is vested in the board of governors, the board of governors, by a majority vote, may adopt a rule delegating that power to the chancellor, or any officer, employee, or committee of the California Community Colleges, or community college district, as the board of governors may designate. However, the board of governors shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating power shall prescribe the limits of delegation.

(e) In performing the functions specified in this section, the board of governors shall establish and carry out a process for consultation with institutional representatives of community college districts so as to ensure their participation in the development and review of policy proposals. The consultation process shall also afford community college organizations, as well as interested individuals and
parties, an opportunity to review and comment on proposed policy before it is adopted by the board of governors.

(Amended by Stats. 2017, Ch. 23, Sec. 7. (SB 85) Effective June 27, 2017.)

EDUCATION CODE - EDC
TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]
( Title 3 enacted by Stats. 1976, Ch. 1010. )
DIVISION 7. COMMUNITY COLLEGES [70900 - 88922]
( Division 7 enacted by Stats. 1976, Ch. 1010. )
PART 43. THE CALIFORNIA COMMUNITY COLLEGES [70900 - 70902]
( Heading of Part 43 renumbered from Part 43.5 by Stats. 1995, Ch. 758, Sec. 78. )

70902.

(a) (1) Every community college district shall be under the control of a board of trustees, which is referred to herein as the “governing board.” The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

(2) The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

(2) Establish policies for and approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs, without referral to the board of governors.

(3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.
(4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the district’s operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures and request that those elections be called.

(6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.

(7) Establish procedures that are consistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance, and to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(8) Establish rules and regulations governing student conduct.

(9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.

(10) In its discretion, receive and administer gifts, grants, and scholarships.

(11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.

(12) Within the framework provided by law, determine the district’s academic calendar, including the holidays it will observe.

(13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.

(14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district’s chief executive officer or any other employee or committee as the governing board may designate. However, the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribing the limits of the delegation.

(e) This section shall become operative on January 1, 2014.
EDUCATION CODE SECTION 78016

78016.
(a) Every vocational or occupational training program offered by a community college district shall be reviewed every two years by the governing board of the district to ensure that each program, as demonstrated by the California Occupational Information System, including the State-Local Cooperative Labor Market Information Program established in Section 10533 of the Unemployment Insurance Code, or if this program is not available in the labor market area, other available sources of labor market information, does all of the following:

(1) Meets a documented labor market demand.

(2) Does not represent unnecessary duplication of other manpower training programs in the area.

(3) Is of demonstrated effectiveness as measured by the employment and completion success of its students.

(b) Any program that does not meet the requirements of subdivision (a) and the standards promulgated by the governing board shall be terminated within one year.

(c) The review process required by this section shall include the review and comments by the local Private Industry Council established pursuant to Division 8 (commencing with Section 15000) of the Unemployment Insurance Code, which review and comments shall occur prior to any decision by the appropriate governing body.

(d) This section shall apply to each program commenced subsequent to July 28, 1983.

(e) A written summary of the findings of each review shall be made available to the public.

(Amended by Stats. 1998, Ch. 365, Sec. 2. Effective January 1, 1999.)
Title 5 Sections 51000, 51022, 55022.5, 55100, 55130 and 55150

Title 5. Education
Division 6. California Community Colleges
Chapter 2. Community College Standards
Subchapter 1. Minimum Conditions

5 CCR § 51000

§ 51000. Scope.

The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid, including state general apportionment, for the support of its community colleges.


HISTORY
1. Repealer of chapter 1 (section 51000) and new chapter 1 (sections 51000-51021, not consecutive) filed 7-13-83; effective thirtieth day thereafter (Register 83, No. 29). For history of former chapter 1, see Registers 81, No. 4 and 77, No. 45.
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
4. Editorial correction of History 2 (Register 95, No. 15).
5. Amendment filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Title 5. Education
Division 6. California Community Colleges
Chapter 2. Community College Standards
Subchapter 1. Minimum Conditions

5 CCR § 51022

§ 51022. Instructional Programs.

(a) Within six months of the formation of a community college district, the governing board shall adopt and carry out its policies for the establishment, modification, or discontinuance of courses or programs. Such policies shall incorporate statutory
responsibilities regarding vocational or occupational training program review as specified in section 78016 of the Education Code.

(b) Within six months of the formation of a community college district, the governing board shall adopt and carry out its policies and procedures to provide that its courses and programs are articulated with proximate baccalaureate colleges and high schools.


HISTORY

1. New section filed 6-27-84; effective thirtieth day thereafter (Register 84, No. 26).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of History 2 (Register 95, No. 15).
4. Amendment of section and Note filed 3-15-2006; operative 4-14-2006. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).

Title 5. Education
Division 6. California Community Colleges
Chapter 6. Curriculum and Instruction
Subchapter 1. Programs, Courses and Classes
Article 1. Program, Course and Class Classification and Standards

§ 55002.5. Credit Hour Definition.

(a) One credit hour of community college work (one unit of credit) shall require a minimum of 48 semester hours of total student work or 33 quarter hours of total student work, which may include inside and/or outside-of-class hours.
(b) A course requiring 96 hours or more of total student work at colleges operating on the semester system or 66 hours or more of total student work at colleges operating on the quarter system shall provide at least 2 units of credit.
(c) Cooperative work experience courses defined in section 55252 shall adhere to the formula for credit hour calculations identified in section 55256.5.
(d) For programs designated by the governing board as clock hour programs, units of credit shall be awarded in a manner consistent with the provisions of 34 Code of Federal Regulations part 600.2.
(e) Credit hours for all courses may be awarded in increments of one unit or less.
(f) The governing board of each community college district shall establish policy, consistent with the provisions of this section, defining the standards for credit hour calculations. District policy shall specify the credit hour calculation method for all academic activities, expected ratios of in-class to outside-of-class hours for each type of academic activity, standards for incremental award of credit, standard term length, calculation methods for short term and extended term courses, and provisions for
monitoring compliance with state and federal regulations related to credit hour calculations.


HISTORY
1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of History 1 (Register 95, No. 20).
3. Amendment filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Amendment of subsection (a) filed 5-16-2008; operative 6-15-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2008, No. 21).
5. Amendment of section heading, section and Note filed 7-20-2017; operative 8-19-2017. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2017, No. 31).

Title 5. Education
Division 6. California Community Colleges
Chapter 6. Curriculum and Instruction
Subchapter 2. Approval by the Chancellor
Article 1. Approval of Credit Educational Programs

5 CCR § 55100
§ 55100. Credit Course Approval.

(a) The governing board of each community college district shall establish policies for, and may approve credit courses pursuant to section 55002, section 55002.5, and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a).
(b) The chief executive officer, chief instructional officer, college academic senate president, and college curriculum committee chair of each college and/or district shall annually certify to the Chancellor, before the conclusion of each academic year, compliance with the following requirements related to the approval of credit courses:
(1) the curriculum committee and district governing board have approved each credit course pursuant to section 55002, section 55002.5, and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a);
(2) the college and/or district promptly reported all credit courses approved by the district governing board pursuant to this section to the Chancellor's Office Curriculum Inventory and Management Information Systems;
3) college and/or district personnel involved in the credit course approval process, including members of the curriculum committee, were provided with training regarding the rules, regulations, and local policies applicable to the approval of credit courses, including, but not limited to, the provisions of section 55002, section 55002.5, and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a);

4) the district governing board has established local policy or procedures specifying the relationship between contact hours, outside-of-class hours, and the calculation of credit hours consistent with section 55002.5.

(c) The Chancellor may conduct reviews to ensure that colleges and/or districts are in compliance with the certification requirements identified in this section.

(d) The Chancellor may, at any time, limit or terminate the ability of a district to approve or offer credit courses if he or she determines that a college and/or district has failed to comply with any of the conditions set forth in this section until such time a college and/or district demonstrates compliance with the certification requirements in this section.


HISTORY
1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of History 1 (Register 95, No. 20).
3. Repealer of article 2 and section and new subchapter 2 (articles 1-5, sections 55100-55190), article 1 (sections 55100-55130) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Amendment of section heading and section filed 8-3-2016; operative 9-2-2016. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2016, No. 33).

§ 55130. Approval of Credit Programs.

(a) The governing board of each community college district shall establish policies for, and may approve, an educational program pursuant to articles 6 and 7 of subchapter 1 of chapter 6 of division 6, and the Chancellor's Office Program and Course Approval Handbook, prepared, distributed, and maintained by the Chancellor consistent with subdivision 55000.5(a).
(b) The educational program submitted to the local governing board for approval shall contain the following components:
(1) the name of the proposed program.
(2) the description of the proposed program.
(3) a list of all courses to be included in the program.
(4) course outlines of record for all courses in the program.
(5) the purposes and specific objectives of the proposed program.
(6) an explanation of how the program is appropriate to the objectives and conditions of higher education and community college education in California and how it conforms to statewide master planning.
(7) For career technical education programs, the following additional information must be provided to the district governing board:
(A) a list of other community colleges in the area currently offering the program;
(B) relation of the proposed program to regional labor market demand; and
(C) recommendations of career technical education regional consortia.
(8) The need for and present adequacy of the following resources shall be determined in relation to the proposed program:
(A) library and media center resources;
(B) facilities and equipment required to initiate and sustain the program. If a new facility is to be used, reference should be made to the five-year master plan.
(C) availability of adequate or proposed financial support; and
(D) availability of faculty.
(c) The chief executive officer, chief instructional officer, college academic senate president, and college curriculum committee chair of each college and/or district shall annually certify to the Chancellor, before the conclusion of each academic year, compliance with the following requirements related to the approval of credit programs:
(1) the curriculum committee and district governing board have approved each credit program pursuant to articles 6 and 7 of subchapter 1 of chapter 6 of division 6, and the Chancellor's Office Program and Course Approval Handbook, prepared, distributed, and maintained by the Chancellor consistent with subdivision 55000.5(a);
(2) the college and/or district promptly reported all credit programs approved by the district governing board pursuant to this section to the Chancellor's Office Curriculum Inventory and Management Information Systems;
(3) college and/or district personnel involved in the credit program approval process, including members of the curriculum committee, were provided with training regarding the rules, regulations, and local policies applicable to the approval of credit programs, including, but not limited to, the provisions of articles 6 and 7 of subchapter 1 of chapter 6 of division 6, and the Chancellor's Office Program and Course Approval Handbook, prepared, distributed, and maintained by the Chancellor consistent with subdivision 55000.5(a);
(4) the development, establishment, and evaluation of approved educational programs included representative faculty involvement.
(d) The Chancellor may conduct reviews to ensure that colleges and/or districts are in compliance with the certification requirements identified in this section.
(e) The Chancellor may, at any time, limit or terminate the ability of a district to approve or offer educational programs if he or she determines that a college and/or district has
failed to comply with any of the conditions set forth in this section until such time a college and/or district demonstrates compliance with the certification requirements identified in this section.

(f) In multi-college districts, the local governing board shall grant a program approval for a specific college.

(g) Before offering an Associate Degree for Transfer as identified in the Student Transfer Achievement Reform Act (Education Code section 66745 et seq.), the governing board of a community college district shall obtain approval of the Associate Degree for Transfer from the Chancellor in accordance with the Chancellor's Office Program and Course Approval Handbook, prepared, distributed, and maintained by the Chancellor consistent with subdivision 55000.5(a).


HISTORY
1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of History 1 (Register 95, No. 20).
3. Repealer and new section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).
4. Amendment of section and Note filed 7-20-2017; operative 8-19-2017. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2017, No. 31).

Title 5. Education
Division 6. California Community Colleges
Chapter 6. Curriculum and Instruction
Subchapter 2. Approval by the Chancellor
Article 2. Approval of Noncredit Courses and Programs

5 CCR § 55150

§ 55150. Approval of Noncredit Courses and Programs.

(a) All noncredit courses shall be approved by the Chancellor in accordance with this article on forms provided by the Chancellor. Failure to comply with the provisions of this article may result in termination of approval.
(b) Course outlines of record for all noncredit courses prepared in accordance with subdivision (c) of section 55002 shall be on file in the community college offering the course.
(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.
(d) The following noncredit educational programs shall be approved by the Chancellor:
(1) Noncredit educational programs that qualify for enhanced funding;
(2) Adult high school diploma programs as specified in section 55154; and
(3) Those noncredit educational programs that are otherwise required by law to be approved by the Chancellor.

(e) Noncredit educational programs requiring approval of the Chancellor shall be approved by the Chancellor in accordance with this article and on forms provided by the Chancellor.

Approval of a noncredit educational program is effective until either:

(1) The noncredit educational program or implementation of the noncredit educational program is discontinued or modified in any substantial way; or

(2) The Chancellor evaluates the noncredit educational program after its approval on the basis of factors listed in sections 55151 or 55154, as applicable. If the Chancellor determines that the noncredit educational program should no longer be offered based on the evaluation, the Chancellor may terminate the approval and determine the effective date of termination.

Note: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of History 1 (Register 95, No. 20).

3. New article 2.2 heading, amendment of subsection (a), new subsection (d) and amendment of Note filed 1-17-2007; operative 1-17-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 8).

4. Repealer of article 2.2 and section and new article 2 (sections 55100-55155) and section filed 7-17-2007; operative 8-16-2007. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2007, No. 35).

5. Amendment filed 12-14-2011; operative 1-13-2011. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2011, No. 51).
(1) Is permanent in nature;

(2) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;

(3) Has its own faculty and administrative or supervisory organization; and

(4) Has its own budgetary and hiring authority.

**Clock hour:** A period of time consisting of—

(1) A 50- to 60-minute class, lecture, or recitation in a 60-minute period;

(2) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period; or

(3) Sixty minutes of preparation in a correspondence course.

**Correspondence course:** (1) A course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced.

(2) If a course is part correspondence and part residential training, the Secretary considers the course to be a correspondence course.

(3) A correspondence course is not distance education.

**Credit hour:** Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—

(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or

(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

**Direct assessment program:** A program as described in 34 CFR 668.10.

**Distance education** means education that uses one or more of the technologies listed in paragraphs (1) through (4) of this definition to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include—

(1) The internet;
(2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(3) Audio conferencing; or

(4) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3) of this definition.

*Educational program:* (1) A legally authorized postsecondary program of organized instruction or study that:

(i) Leads to an academic, professional, or vocational degree, or certificate, or other recognized educational credential, or is a comprehensive transition and postsecondary program, as described in 34 CFR part 668, subpart O; and

(ii) May, in lieu of credit hours or clock hours as a measure of student learning, utilize direct assessment of student learning, or recognize the direct assessment of student learning by others, if such assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment and with the provisions of §668.10.

(2) The Secretary does not consider that an institution provides an educational program if the institution does not provide instruction itself (including a course of independent study) but merely gives credit for one or more of the following: Instruction provided by other institutions or schools; examinations or direct assessments provided by agencies or organizations; or other accomplishments such as “life experience.”

*Eligible institution:* An institution that—

(1) Qualifies as—

(i) An institution of higher education, as defined in §600.4;

(ii) A proprietary institution of higher education, as defined in §600.5; or

(iii) A postsecondary vocational institution, as defined in §600.6; and

(2) Meets all the other applicable provisions of this part.

*Federal Family Education Loan (FFEL) Programs:* The loan programs (formerly called the Guaranteed Student Loan (GSL) programs) authorized by title IV-B of the HEA, including the Federal Stafford Loan, Federal PLUS, Federal Supplemental Loans for Students (Federal SLS), and Federal Consolidation Loan programs, in which lenders use their own funds to make loans to enable students or their parents to pay the costs of the students' attendance at eligible institutions. The Federal Stafford Loan, Federal PLUS, Federal SLS, and Federal Consolidation Loan programs are defined in 34 CFR part 668.

*Incarcerated student:* A student who is serving a criminal sentence in a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, or other similar correctional institution. A student is not considered incarcerated if that student is in a half-way house or home detention or is sentenced to serve only weekends.
Legally authorized: The legal status granted to an institution through a charter, license, or other written document issued by the appropriate agency or official of the State in which the institution is physically located.

Nationally recognized accrediting agency: An agency or association that the Secretary recognizes as a reliable authority to determine the quality of education or training offered by an institution or a program offered by an institution. The Secretary recognizes these agencies and associations under the provisions of 34 CFR part 602 and publishes a list of the recognized agencies in the FEDERAL REGISTER.

Nonprofit institution: An institution that—

(1)(i) Is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which benefits any private shareholder or individual;

(ii) Is legally authorized to operate as a nonprofit organization by each State in which it is physically located; and

(iii) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)); or

(2) For a foreign institution—

(i) An institution that is owned and operated only by one or more nonprofit corporations or associations; and

(ii)(A) If a recognized tax authority of the institution’s home country is recognized by the Secretary for purposes of making determinations of an institution’s nonprofit status for title IV purposes, is determined by that tax authority to be a nonprofit educational institution; or

(B) If no recognized tax authority of the institution’s home country is recognized by the Secretary for purposes of making determinations of an institution’s nonprofit status for title IV purposes, the foreign institution demonstrates to the satisfaction of the Secretary that it is a nonprofit educational institution.

(3) Is determined by the U.S. Internal Revenue Service to be an organization to which contributions are tax-deductible in accordance with section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)).

One-academic-year training program: An educational program that is at least one academic year as defined under 34 CFR 668.2.

Preaccredited: A status that a nationally recognized accrediting agency, recognized by the Secretary to grant that status, has accorded an unaccredited public or private nonprofit institution that is progressing toward accreditation within a reasonable period of time.

Recognized equivalent of a high school diploma: The following are the equivalent of a high school diploma—

(1) A General Education Development Certificate (GED);

(2) A State certificate received by a student after the student has passed a State-authorized examination that the State recognizes as the equivalent of a high school diploma;
(3) An academic transcript of a student who has successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree; or

(4) For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who has not completed high school but who excelled academically in high school, documentation that the student excelled academically in high school and has met the formalized, written policies of the institution for admitting such students.

**Recognized occupation:** An occupation that is—

(1) Identified by a Standard Occupational Classification (SOC) code established by the Office of Management and Budget or an Occupational Information Network O*NET-SOC code established by the Department of Labor and available at [http://online.onetcenter.org](http://online.onetcenter.org) or its successor site; or

(2) Determined by the Secretary in consultation with the Secretary of Labor to be a recognized occupation.

**Regular student:** A person who is enrolled or accepted for enrollment at an institution for the purpose of obtaining a degree, certificate, or other recognized educational credential offered by that institution.

**Secretary:** The Secretary of the Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

**State:** A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also known as the Freely Associated States.

**Teach-out plan:** A written plan developed by an institution that provides for the equitable treatment of students if an institution, or an institutional location that provides 100 percent of at least one program, ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency, a teach-out agreement between institutions.

**Title IV, HEA program:** Any of the student financial assistance programs listed in 34 CFR 668.1(c).

(Authority: 20 U.S.C. 1071, et seq., 1078-2, 1088, 1091, 1094, 1099b, 1099c, 1141; 26 U.S.C. 501(c))
If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in Title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:

(a) **Branch campus.** (1) The agency must require the institution to notify the agency if it plans to establish a branch campus and to submit a business plan for the branch campus that describes—

(i) The educational program to be offered at the branch campus;

(ii) The projected revenues and expenditures and cash flow at the branch campus; and

(iii) The operation, management, and physical resources at the branch campus.

(2) The agency may extend accreditation to the branch campus only after it evaluates the business plan and takes whatever other actions it deems necessary to determine that the branch campus has sufficient educational, financial, operational, management, and physical resources to meet the agency's standards.

(3) The agency must undertake a site visit to the branch campus as soon as practicable, but no later than six months after the establishment of that campus.

(b) **Change in ownership.** The agency must undertake a site visit to an institution that has undergone a change of ownership that resulted in a change of control as soon as practicable, but no later than six months after the change of ownership.

(c) **Teach-out plans and agreements.** (1) The agency must require an institution it accredits or preaccredits to submit a teach-out plan to the agency for approval upon the occurrence of any of the following events:

(i) The Secretary notifies the agency that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required.

(ii) The agency acts to withdraw, terminate, or suspend the accreditation or preaccreditation of the institution.

(iii) The institution notifies the agency that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program.

(iv) A State licensing or authorizing agency notifies the agency that an institution's license or legal authorization to provide an educational program has been or will be revoked.

(2) The agency must evaluate the teach-out plan to ensure it provides for the equitable treatment of students under criteria established by the agency, specifies additional charges, if any, and provides for notification to the students of any additional charges.

(3) If the agency approves a teach-out plan that includes a program that is accredited by another recognized accrediting agency, it must notify that accrediting agency of its approval.

(4) The agency may require an institution it accredits or preaccredits to enter into a teach-out agreement as part of its teach-out plan.
(5) The agency must require an institution it accredits or preaccredits that enters into a teach-out agreement, either on its own or at the request of the agency, to submit that teach-out agreement for approval. The agency may approve the teach-out agreement only if the agreement is between institutions that are accredited or preaccredited by a nationally recognized accrediting agency, is consistent with applicable standards and regulations, and provides for the equitable treatment of students by ensuring that—

(i) The teach-out institution has the necessary experience, resources, and support services to—

(A) Provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is ceasing operations either entirely or at one of its locations; and

(B) Remain stable, carry out its mission, and meet all obligations to existing students; and

(ii) The teach-out institution demonstrates that it can provide students access to the program and services without requiring them to move or travel substantial distances and that it will provide students with information about additional charges, if any.

(d) Closed institution. If an institution the agency accredits or preaccredits closes without a teach-out plan or agreement, the agency must work with the Department and the appropriate State agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

(e) Transfer of credit policies. The accrediting agency must confirm, as part of its review for initial accreditation or preaccreditation, or renewal of accreditation, that the institution has transfer of credit policies that—

(1) Are publicly disclosed in accordance with §668.43(a)(11); and

(2) Include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

(f) Credit-hour policies. The accrediting agency, as part of its review of an institution for initial accreditation or preaccreditation or renewal of accreditation, must conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours.

(1) The accrediting agency meets this requirement if—

(i) It reviews the institution's—

(A) Policies and procedures for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for courses and programs; and

(B) The application of the institution's policies and procedures to its programs and coursework; and

(ii) Makes a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practice in higher education.

(2) In reviewing and evaluating an institution's policies and procedures for determining credit hour assignments, an accrediting agency may use sampling or other methods in the evaluation, sufficient to comply with paragraph (f)(1)(i)(B) of this section.
(3) The accrediting agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its reviews and evaluations under paragraph (f)(1)(i) and (ii) of this section, as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under this paragraph (f), the agency finds systemic noncompliance with the agency's policies or significant noncompliance regarding one or more programs at the institution, the agency must promptly notify the Secretary.

(Approved by the Office of Management and Budget under control number 1845-0003)

(Authority: 20 U.S.C. 1099b)


Title 34: Education

PART 603—SECRETARY'S RECOGNITION PROCEDURES FOR STATE AGENCIES

Subpart B—Criteria for State Agencies

§603.24 Criteria for State agencies.

The following are the criteria which the Secretary will utilize in designating a State agency as a reliable authority to assess the quality of public postsecondary vocational education in its respective State.

(a) **Functional aspects.** The functional aspects of the State agency must be shown by:

(1) **Its scope of operations.** The agency:

   (i) Is statewide in the scope of its operations and is legally authorized to approve public postsecondary vocational institutions or programs;

   (ii) Clearly sets forth the scope of its objectives and activities, both as to kinds and levels of public postsecondary vocational institutions or programs covered, and the kinds of operations performed;

   (iii) Delineates the process by which it differentiates among and approves programs of varying levels.

(2) **Its organization.** The State agency:

   (i) Employs qualified personnel and uses sound procedures to carry out its operations in a timely and effective manner;

   (ii) Receives adequate and timely financial support, as shown by its appropriations, to carry out its operations;

   (iii) Selects competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices, (A) to participate on visiting teams,
(B) to engage in consultative services for the evaluation and approval process, and (C) to serve on decision-making bodies.

(3) Its procedures. The State agency:

(i) Maintains clear definitions of approval status and has developed written procedures for granting, reaffirming, revoking, denying, and reinstating approval status;

(ii) Requires, as an integral part of the approval and reapproval process, institutional or program self-analysis and onsite reviews by visiting teams, and provides written and consultative guidance to institutions or programs and visiting teams.

(A) Self-analysis shall be a qualitative assessment of the strengths and limitations of the instructional program, including the achievement of institutional or program objectives, and should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(B) The visiting team, which includes qualified examiners other than agency staff, reviews instructional content, methods and resources, administrative management, student services, and facilities. It prepares written reports and recommendations for use by the State agency.

(iii) Reevaluates at reasonable and regularly scheduled intervals institutions or programs which it has approved.

(b) Responsibility and reliability. The responsibility and reliability of the State agency will be demonstrated by:

(1) Its responsiveness to the public interest. The State agency:

(i) Has an advisory body which provides for representation from public employment services and employers, employees, postsecondary vocational educators, students, and the general public, including minority groups. Among its functions, this structure provides counsel to the State agency relating to the development of standards, operating procedures and policy, and interprets the educational needs and manpower projections of the State's public postsecondary vocational education system;

(ii) Demonstrates that the advisory body makes a real and meaningful contribution to the approval process;

(iii) Provides advance public notice of proposed or revised standards or regulations through its regular channels of communications, supplemented, if necessary, with direct communication to inform interested members of the affected community. In addition, it provides such persons the opportunity to comment on the standards or regulations prior to their adoption;

(iv) Secures sufficient qualitative information regarding the applicant institution or program to enable the institution or program to demonstrate that it has an ongoing program of evaluation of outputs consistent with its educational goals;

(v) Encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution or program;

(vi) Demonstrates that it approves only those institutions or programs which meet its published standards; that its standards, policies, and procedures are fairly applied; and that its evaluations are conducted and decisions are rendered under conditions that assure an impartial and objective judgment;
(vii) Regularly reviews its standards, policies and procedures in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

(viii) Performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational institution or program;

(ix) Has written procedures for the review of complaints pertaining to institutional or program quality as these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner fair and equitable to the complainant and to the institution or program;

(x) Annually makes available to the public (A) its policies for approval, (B) reports of its operations, and (C) list of institutions or programs which it has approved;

(xi) Requires each approved school or program to report on changes instituted to determine continued compliance with standards or regulations;

(xii) Confers regularly with counterpart agencies that have similar responsibilities in other and neighboring States about methods and techniques that may be used to meet those responsibilities.

(2) Its assurances that due process is accorded to institutions or programs seeking approval. The State agency:

(i) Provides for adequate discussion during the on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(ii) Furnishes as a result of the evaluation visit, a written report to the institution or program commenting on areas of strength, areas needing improvement, and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution or program may not be in compliance with the agency's standards;

(iii) Provides the chief executive officer of the institution or program with opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the agency takes action on the report;

(iv) Provides the chief executive officer of the institution with a specific statement of reasons for any adverse action, and notice of the right to appeal such action before an appeal body designated for that purpose;

(v) Publishes rules of procedure regarding appeals;

(vi) Continues the approval status of the institution or program pending disposition of an appeal;

(vii) Furnishes the chief executive officer of the institution or program with a written decision of the appeal body, including a statement of its reasons therefor.

(c) Credit-hour policies. The State agency, as part of its review of an institution for initial approval or renewal of approval, must conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours.

(1) The State agency meets this requirement if—
(i) It reviews the institution's—

(A) Policies and procedures for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for courses and programs; and

(B) The application of the institution's policies and procedures to its programs and coursework; and

(ii) Makes a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practice in higher education.

(2) In reviewing and evaluating an institution's policies and procedures for determining credit hour assignments, a State agency may use sampling or other methods in the evaluation, sufficient to comply with paragraph (c)(1)(i)(B) of this section.

(3) The State agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its reviews and evaluations under paragraph (c)(1)(i) and (ii) of this section, as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under this paragraph (c), the agency finds systemic noncompliance with the agency's policies or significant noncompliance regarding one or more programs at the institution, the agency must promptly notify the Secretary.

(d) Capacity to foster ethical practices. The State agency must demonstrate its capability and willingness to foster ethical practices by showing that it:

(i) Promotes a well-defined set of ethical standards governing institutional or programmatic practices, including recruitment, advertising, transcripts, fair and equitable student tuition refunds, and student placement services;

(ii) Maintains appropriate review in relation to the ethical practices of each approved institution or program.

(Authority: 20 U.S.C. 1094(c)(4))

(2) Satisfies the other relevant requirements contained in this section.

(b) Definitions. For purposes of this section—

(1) The Secretary considers the “equivalent of an associate degree” to be—

(i) An associate degree; or

(ii) The successful completion of at least a two-year program that is acceptable for full credit toward a bachelor’s degree and qualifies a student for admission into the third year of a bachelor’s degree program;

(2) A week is a consecutive seven-day period; and

(3)(i) The Secretary considers that an institution provides one week of instructional time in an academic program during any week the institution provides at least one day of regularly scheduled instruction or examinations, or, after the last scheduled day of classes for a term or a payment period, at least one day of study for final examinations.

(ii) Instructional time does not include any vacation periods, homework, or periods of orientation or counseling.

(c) Institution of higher education. An eligible program provided by an institution of higher education must—

(1) Lead to an associate, bachelor’s, professional, or graduate degree;

(2) Be at least a two-academic-year program that is acceptable for full credit toward a bachelor’s degree; or

(3) Be at least a one-academic-year training program that leads to a certificate, or other nondegree recognized credential, and prepares students for gainful employment in a recognized occupation.

(d) Proprietary institution of higher education and postsecondary vocational institution. An eligible program provided by a proprietary institution of higher education or postsecondary vocational institution—

(1)(i) Must require a minimum of 15 weeks of instruction, beginning on the first day of classes and ending on the last day of classes or examinations;

(ii) Must be at least 600 clock hours, 16 semester or trimester hours, or 24 quarter hours;

(iii) Must provide undergraduate training that prepares a student for gainful employment in a recognized occupation; and

(iv) May admit as regular students persons who have not completed the equivalent of an associate degree;

(2) Must—

(i) Require a minimum of 10 weeks of instruction, beginning on the first day of classes and ending on the last day of classes or examinations;
(ii) Be at least 300 clock hours, 8 semester or trimester hours, or 12 quarter hours;

(iii) Provide training that prepares a student for gainful employment in a recognized occupation as provided under §668.6; and

(iv)(A) Be a graduate or professional program; or

(B) Admit as regular students only persons who have completed the equivalent of an associate degree;

(3) For purposes of the FFEL and Direct Loan programs only, must—

(i) Require a minimum of 10 weeks of instruction, beginning on the first day of classes and ending on the last day of classes or examinations;

(ii) Be at least 300 clock hours but less than 600 clock hours;

(iii) Provide undergraduate training that prepares a student for gainful employment in a recognized occupation as provided under §668.6;

(iv) Admit as regular students some persons who have not completed the equivalent of an associate degree; and

(v) Satisfy the requirements of paragraph (e) of this section; or

(4) For purposes of a proprietary institution of higher education only, is a program leading to a baccalaureate degree in liberal arts, as defined in 34 CFR 600.5(e), that—

(i) Is provided by an institution that is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier; and

(ii) The institution has provided continuously since January 1, 2009.

(e) Qualitative factors. (1) An educational program that satisfies the requirements of paragraphs (d)(3)(i) through (iv) of this section qualifies as an eligible program only if—

(i) The program has a substantiated completion rate of at least 70 percent, as calculated under paragraph (f) of this section;

(ii) The program has a substantiated placement rate of at least 70 percent, as calculated under paragraph (g) of this section;

(iii) The number of clock hours provided in the program does not exceed by more than 50 percent the minimum number of clock hours required for training in the recognized occupation for which the program prepares students, as established by the State in which the program is offered, if the State has established such a requirement, or as established by any Federal agency; and

(iv) The program has been in existence for at least one year. The Secretary considers an educational program to have been in existence for at least one year only if an institution has been legally authorized to provide, and has continuously provided, the program during the 12 months (except for normal vacation periods and, at the discretion of the Secretary, periods when the institution closes due to
a natural disaster that directly affects the institution or the institution’s students) preceding the date on which the institution applied for eligibility for that program.

(2) An institution shall substantiate the calculation of its completion and placement rates by having the certified public accountant who prepares its audit report required under §668.23 report on the institution’s calculation based on performing an attestation engagement in accordance with the Statements on Standards for Attestation Engagements of the American Institute of Certified Public Accountants (AICPA).

(f) Calculation of completion rate. An institution shall calculate its completion rate for an educational program for any award year as follows:

(1) Determine the number of regular students who were enrolled in the program during the award year.

(2) Subtract from the number of students determined under paragraph (f)(1) of this section, the number of regular students who, during that award year, withdrew from, dropped out of, or were expelled from the program and were entitled to and actually received, in a timely manner a refund of 100 percent of their tuition and fees.

(3) Subtract from the total obtained under paragraph (f)(2) of this section the number of students who were enrolled in the program at the end of that award year.

(4) Determine the number of regular students who, during that award year, received within 150 percent of the published length of the educational program the degree, certificate, or other recognized educational credential awarded for successfully completing the program.

(5) Divide the number determined under paragraph (f)(4) of this section by the total obtained under paragraph (f)(3) of this section.

(g) Calculation of placement rate. (1) An institution shall calculate its placement rate for an educational program for any award year as follows:

(i) Determine the number of students who, during the award year, received the degree, certificate, or other recognized educational credential awarded for successfully completing the program.

(ii) Of the total obtained under paragraph (g)(1)(i) of this section, determine the number of students who, within 180 days of the day they received their degree, certificate, or other recognized educational credential, obtained gainful employment in the recognized occupation for which they were trained or in a related comparable recognized occupation and, on the date of this calculation, are employed, or have been employed, for at least 13 weeks following receipt of the credential from the institution.

(iii) Divide the number of students determined under paragraph (g)(1)(ii) of this section by the total obtained under paragraph (g)(1)(i) of this section.

(2) An institution shall document that each student described in paragraph (g)(1)(ii) of this section obtained gainful employment in the recognized occupation for which he or she was trained or in a related comparable recognized occupation. Examples of satisfactory documentation of a student's gainful employment include, but are not limited to—

(i) A written statement from the student's employer;

(ii) Signed copies of State or Federal income tax forms; and
(iii) Written evidence of payments of Social Security taxes.

(h) **Eligibility for Federal Pell Grant, ACG, National SMART Grant, TEACH Grant, and FSEOG Programs.** In addition to satisfying other relevant provisions of the section—

(1) An educational program qualifies as an eligible program for purposes of the Federal Pell Grant Program only if the educational program is an undergraduate program or a postbaccalaureate teacher certificate or licensing program as described in 34 CFR 690.6(c);

(2) An educational program qualifies as an eligible program for purposes of the ACG, National SMART Grant, and FSEOG programs only if the educational program is an undergraduate program; and

(3) An educational program qualifies as an eligible program for purposes of the TEACH Grant program if it satisfies the requirements of the definition of TEACH Grant-eligible program in 34 CFR 686.2(d).

(i) **Flight training.** In addition to satisfying other relevant provisions of this section, for a program of flight training to be an eligible program, it must have a current valid certification from the Federal Aviation Administration.

(j) **English as a second language (ESL).** (1) In addition to satisfying the relevant provisions of this section, an educational program that consists solely of instruction in ESL qualifies as an eligible program if—

(i) The institution admits to the program only students who the institution determines need the ESL instruction to use already existing knowledge, training, or skills; and

(ii) The program leads to a degree, certificate, or other recognized educational credential.

(2) An institution shall document its determination that ESL instruction is necessary to enable each student enrolled in its ESL program to use already existing knowledge, training, or skills with regard to the students that it admits to its ESL program under paragraph (j)(1)(i) of this section.

(3) An ESL program that qualifies as an eligible program under this paragraph is eligible for purposes of the Federal Pell Grant Program only.

(k) **Undergraduate educational program in credit hours.** (1) Except as provided in paragraph (k)(2) of this section, if an institution offers an undergraduate educational program in credit hours, the institution must use the formula contained in paragraph (l) of this section to determine whether that program satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and the number of credit hours in that educational program for purposes of the title IV, HEA programs, unless—

(i) The program is at least two academic years in length and provides an associate degree, a bachelor's degree, a professional degree, or an equivalent degree as determined by the Secretary; or

(ii) Each course within the program is acceptable for full credit toward that institution's associate degree, bachelor's degree, professional degree, or equivalent degree as determined by the Secretary provided that—

(A) The institution's degree requires at least two academic years of study; and

(B) The institution demonstrates that students enroll in, and graduate from, the degree program.
(2) A program is considered to be a clock-hour program for purposes of the title IV, HEA programs if—

(i) Except as provided in paragraph (k)(3) of this section, a program is required to measure student progress in clock hours when—

(A) Receiving Federal or State approval or licensure to offer the program; or

(B) Completing clock hours is a requirement for graduates to apply for licensure or the authorization to practice the occupation that the student is intending to pursue;

(ii) The credit hours awarded for the program are not in compliance with the definition of a credit hour in 34 CFR 600.2; or

(iii) The institution does not provide the clock hours that are the basis for the credit hours awarded for the program or each course in the program and, except as provided in §668.4(e), requires attendance in the clock hours that are the basis for the credit hours awarded.

(3) The requirements of paragraph (k)(2)(i) of this section do not apply to a program if there is a State or Federal approval or licensure requirement that a limited component of the program must include a practicum, internship, or clinical experience component of the program that must include a minimum number of clock hours.

(l) Formula. (1) Except as provided in paragraph (l)(2) of this section, for purposes of determining whether a program described in paragraph (k) of this section satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and of determining the number of credit hours in that educational program with regard to the title IV, HEA programs—

(i) A semester hour must include at least 37.5 clock hours of instruction;

(ii) A trimester hour must include at least 37.5 clock hours of instruction; and

(iii) A quarter hour must include at least 25 clock hours of instruction.

(2) The institution's conversions to establish a minimum number of clock hours of instruction per credit may be less than those specified in paragraph (l)(1) of this section, if the institution's designated accrediting agency, or recognized State agency for the approval of public postsecondary vocational institutions, for participation in the title IV, HEA programs has not identified any deficiencies with the institution's policies and procedures, or their implementation, for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for programs and courses, in accordance with 34 CFR 602.24(f), or, if applicable, 34 CFR 603.24(c), so long as—

(i) The institution's student work outside of class combined with the clock-hours of instruction meet or exceed the numeric requirements in paragraph (l)(1) of this section; and

(ii)(A) A semester hour must include at least 30 clock hours of instruction;

(B) A trimester hour must include at least 30 clock hours of instruction; and

(C) A quarter hour must include at least 20 hours of instruction.
(m) An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for Title IV, HEA program purposes if the program is offered by an institution, other than a foreign institution, that has been evaluated and is accredited for its effective delivery of distance education programs by an accrediting agency or association that—

(1) Is recognized by the Secretary under subpart 2 of part H of the HEA; and

(2) Has accreditation of distance education within the scope of its recognition.

(n) For Title IV, HEA program purposes, eligible program includes a direct assessment program approved by the Secretary under §668.10 and a comprehensive transition and postsecondary program approved by the Secretary under §668.232.

(Authority: 20 U.S.C. 1070a, 1070a-1, 1070b, 1070c-1, 1070c-2, 1070g, 1085, 1087aa-1087hh, 1088, 1091; 42 U.S.C. 2753)

[59 FR 22421, Apr. 29, 1994]

http://www2.ed.gov/about/offices/list/ope/policy.html


Standard II: Student Learning Programs and Support Services

The institution offers instructional programs, library and learning support services, and student support services aligned with its mission. The institution’s programs are conducted at levels of quality and rigor appropriate for higher education. The institution assesses its educational quality through methods accepted in higher education, makes the results of its assessments available to the public, and uses the results to improve educational quality and institutional effectiveness. The institution defines and incorporates into all of its degree programs a substantial component of general education designed to ensure breadth of knowledge and to promote intellectual inquiry. The provisions of this standard are broadly applicable to all instructional programs and student and learning support services offered in the name of the institution.

A. Instructional Programs

1. All instructional programs, regardless of location or means of delivery, including distance education and correspondence education, are offered in fields of study consistent with the institution’s mission, are appropriate to higher education, and culminate in student attainment of identified student learning outcomes, and achievement of degrees, certificates, employment, or transfer to other higher education programs. (ER 9 and ER 11)

2. Faculty, including full time, part time, and adjunct faculty, ensure that the content and methods of instruction meet generally accepted academic and professional standards and expectations. Faculty and others responsible act to continuously improve instructional courses, programs and directly related services through systematic evaluation to assure currency, improve teaching and learning strategies, and promote student success.
3. The institution identifies and regularly assesses learning outcomes for courses, programs, certificates and degrees using established institutional procedures. The institution has officially approved and current course outlines that include student learning outcomes. In every class section students receive a course syllabus that includes learning outcomes from the institution’s officially approved course outline.

4. If the institution offers pre-collegiate level curriculum, it distinguishes that curriculum from college level curriculum and directly supports students in learning the knowledge and skills necessary to advance to and succeed in college level curriculum.

5. The institution’s degrees and programs follow practices common to American higher education, including appropriate length, breadth, depth, rigor, course sequencing, time to completion, and synthesis of learning. The institution ensures that minimum degree requirements are 60 semester credits or equivalent at the associate level, and 120 credits or equivalent at the baccalaureate level. (ER 12)

6. The institution schedules courses in a manner that allows students to complete certificate and degree programs within a period of time consistent with established expectations in higher education. (ER 9)

7. The institution effectively uses delivery modes, teaching methodologies and learning support services that reflect the diverse and changing needs of its students, in support of equity in success for all students.

8. The institution validates the effectiveness of department-wide course and/or program examinations, where used, including direct assessment of prior learning. The institution ensures that processes are in place to reduce test bias and enhance reliability.

9. The institution awards course credit, degrees and certificates based on student attainment of learning outcomes. Units of credit awarded are consistent with institutional policies that reflect generally accepted norms or equivalencies in higher education. If the institution offers courses based on clock hours, it follows Federal standards for clock-to-credit-hour conversions. (ER 10)

10. The institution makes available to its students clearly stated transfer-of-credit policies in order to facilitate the mobility of students without penalty. In accepting transfer credits to fulfill degree requirements, the institution certifies that the expected learning outcomes for transferred courses are comparable to the learning outcomes of its own courses. Where patterns of student enrollment between institutions are identified, the institution develops articulation agreements as appropriate to its mission. (ER 10)

11. The institution includes in all of its programs, student learning outcomes, appropriate to the program level, in communication competency, information competency, quantitative competency, analytic inquiry skills, ethical reasoning, the ability to engage diverse perspectives, and other program-specific learning outcomes.

12. The institution requires of all of its degree programs a component of general education based on a carefully considered philosophy for both associate and baccalaureate degrees that is clearly stated in its catalog. The institution, relying on faculty expertise, determines the appropriateness of each course for inclusion in the general education curriculum, based upon student learning outcomes and competencies appropriate to the degree level. The learning outcomes include a student’s preparation for and acceptance of responsible participation in civil society, skills for lifelong learning and application of learning, and a broad comprehension of the development of knowledge, practice, and interpretive approaches in the arts and humanities, the sciences, mathematics, and social sciences. (ER 12)

13. All degree programs include focused study in at least one area of inquiry or in an established interdisciplinary core. The identification of specialized courses in an area of
inquiry or interdisciplinary core is based upon student learning outcomes and competencies, and include mastery, at the appropriate degree level, of key theories and practices within the field of study.

14. Graduates completing career-technical certificates and degrees demonstrate technical and professional competencies that meet employment standards and other applicable standards and preparation for external licensure and certification.

15. When programs are eliminated or program requirements are significantly changed, the institution makes appropriate arrangements so that enrolled students may complete their education in a timely manner with a minimum of disruption.

16. The institution regularly evaluates and improves the quality and currency of all instructional programs offered in the name of the institution, including collegiate, pre-collegiate, career-technical, and continuing and community education courses and programs, regardless of delivery mode or location. The institution systematically strives to improve programs and courses to enhance learning outcomes and achievement for students.

Title 5. Education
Division 6. California Community Colleges
Chapter 4. Employees
Subchapter 2. Certificated Positions
Article 2. Academic Senates

5 CCR § 53200
§ 53200. Definitions.

For the purpose of this Subchapter:
(a) “Faculty” means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.
(b) “Academic senate,” “faculty council,” and “faculty senate” means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term “academic senate” also constitutes reference to “faculty council” or “faculty senate.”
(c) “Academic and professional matters” means the following policy development and implementation matters:
(1) curriculum, including establishing prerequisites and placing courses within disciplines;
(2) degree and certificate requirements;
(3) grading policies;
(4) educational program development;
(5) standards or policies regarding student preparation and success;
(6) district and college governance structures, as related to faculty roles;
(7) faculty roles and involvement in accreditation processes, including self-study and annual reports;
(8) policies for faculty professional development activities;
(9) processes for program review;
(10) processes for institutional planning and budget development; and
(11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.

(d) “Consult collegially” means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:
(1) relying primarily upon the advice and judgment of the academic senate; or
(2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.


HISTORY
1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
4. Relocation of article 2 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
5. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).