

AP 5031 INSTRUCTIONAL MATERIALS FEES

References:

Education Code Section 76365;
Title 5 Sections 59400 et seq.

Input from Barbara Yesnosky – “The colleges must be responsible for gathering related data and responding to the State Chancellor’s Office inquiries regarding these fees. Procedures for publishing and collecting fees should be no different from any other fee.”

NOTE: This procedure is legally required. Local practice may be inserted.

Students may be required to provide instructional materials required for a credit or non-credit course. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District.

Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management, or supervision.

Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class up to at least two years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

Instructors shall take reasonable steps to minimize the cost and ensure the necessity of instructional materials.

The District will publish these regulations in each college catalog.

Definitions

"Required instructional materials" means any materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines is necessary to achieve the required objectives of a course.

"Solely or exclusively available from the District" means that the instructional material is not available except through the District, or that the District requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District's actual cost; and 1) the instructional material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or 2) the instructional material is provided in lieu of other generally available but more expensive material which would otherwise be required.

"Required instructional materials which are of continuing value outside of the classroom setting" are materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during the class.

Establishing Required Materials and Related Fees

NOTE: *Insert local procedures here, including:*

- *How need is determined and by whom.*
- *How compliance with definitions is determined and by whom.*
- *How materials will be provided and by whom.*
- *Procedures for publishing and collecting fees.*
- *Who is responsible for gathering related data and responding to the State Chancellor's Office inquiries regarding these fees.*

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **blue ink** was added by Barbara Yesnosky on May 6, 2013.

Date Approved:

(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)

Legal Citations for AP 5031

Education Code Section 76365; Title 5 Sections 59400 et seq.

76365. The board of governors shall adopt regulations regarding the authority of community college districts to require students to provide various types of instructional materials. These regulations shall reflect the intent of the Legislature that community college districts are not required to provide all materials, textbooks, equipment, and clothing necessary for each course and program. These regulations shall specify the conditions under which districts may require students to provide those materials that are of continuing value to the student outside of the classroom setting, including, but not limited to, textbooks, tools, equipment, clothing, and those materials that are necessary for the student's vocational training and employment. The regulations shall establish a process for monitoring district compliance with these regulations.

Cal. Admin. Code tit. 5, s 59400

Title 5. Education

Division 6. California Community Colleges

Chapter 10. Community College Administration

Subchapter 7. Instructional and Other Materials

➡§ 59400. Required Instructional and Other Materials.

(a) The governing board of a district may, consistent with the provisions of this Subchapter, require students to provide instructional and other materials required for a credit or noncredit course, provided that such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the district.

(b) Except as specifically authorized or required in the Education Code, the governing board of a community college district shall not require a student to pay a fee for any instructional and other materials required for a credit or noncredit course.

Note: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

Cal. Admin. Code tit. 5, s 59402

Title 5. Education

Division 6. California Community Colleges

Chapter 10. Community College Administration

Subchapter 7. Instructional and Other Materials

➡§ 59402. Definitions.

For the purposes of this subchapter the following definitions apply:

- (a) “Instructional and other materials” means any tangible personal property which is owned or primarily controlled by an individual student.
- (b) “Required instructional and other materials” means any instructional and other materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which is necessary to achieve those required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.
- (c) “Solely or exclusively available from the district” means that the material is not available except through the district, or that the district requires that the material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the district if it is provided to the student at the district's actual cost and:
- (1) the material is otherwise generally available, but is provided solely or exclusively by the district for health and safety reasons; or
 - (2) the material is provided in lieu of other generally available but more expensive material which would otherwise be required.
- (d) “Required instructional and other materials which are of continuing value outside of the classroom setting” are materials which can be taken from the classroom setting, and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.
- (e) “Tangible personal property” includes electronic data that the student may access during the class and store for personal use after the class in a manner comparable to the use available during the class.

Note: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

Cal. Admin. Code tit. 5, s 59404

Title 5. Education

Division 6. California Community Colleges

Chapter 10. Community College Administration

Subchapter 7. Instructional and Other Materials

➡§ 59404. District Policies and Regulations for Instructional and Other Materials.

- (a) The governing board of a community college district which requires that students provide instructional or other materials for a course shall adopt policies or regulations, consistent with

the provisions of this subchapter, which specify the conditions under which such materials will be required.

(b) The policies or regulations specified in subdivision (a) shall be published in each college catalog developed after the date of adoption.

Note: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

Cal. Admin. Code tit. 5, s 59406

Title 5. Education
Division 6. California Community Colleges
Chapter 10. Community College Administration
Subchapter 7. Instructional and Other Materials
§ 59406. Report to Chancellor.

The governing board of a community college district which prescribes required instructional and other materials for its courses shall respond to periodic surveys or inquiries of the Chancellor on the subject.

Note: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.

Cal. Admin. Code tit. 5, s 59406.5

Title 5. Education
Division 6. California Community Colleges
Chapter 10. Community College Administration
Subchapter 7. Instructional and Other Materials
§ 59406.5. Reports Re Instructional Materials Used.

Each district board shall make reports, whenever required, directly to the Board of Governors or Chancellor's Office, concerning the instructional materials used in its colleges.

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

Cal. Admin. Code tit. 5, s 59408

Title 5. Education
Division 6. California Community Colleges

Chapter 10. Community College Administration
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§ 59408. Violations of Subchapter.

The governing board of a district which prescribes required instructional and other materials in violation of this subchapter shall be deemed to have established a student fee not expressly established by law.

Note: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code.