

AP 5052 OPEN ENROLLMENT

References:

Title 5 Sections 51006, 58106, and 58108

NOTE: This procedure is legally advised. Local practice may be inserted, but should reflect the following.

All courses of the District shall be open to enrollment in accordance with BP 5052 titled Open Enrollment and a priority system consistent with AP 5055 titled Enrollment Priorities. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the Chief Instructional Officer.

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 titled Enrollment Priorities and those programs such as the registered nursing program and the registered dental hygienist program with restricted enrollment.

Pursuant to Title 5 Section 58108, students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 titled Enrollment Priorities, and those programs with restricted enrollment.

A student may challenge an enrollment limitation on any of the following grounds:

- The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
- The District is not following its enrollment procedures;
- The basis for the limitation does not in fact exist.

NOTE: The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and its legal counsel. The language in **green ink** reflects revisions during the administrative review on May 7, 2013.

Date Approved:

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

Legal Citations for AP 5052

Cal. Admin. Code tit. 5, s 51006

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 2. COMMUNITY COLLEGE STANDARDS
SUBCHAPTER 1. MINIMUM CONDITIONS

s 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "The policy of this district is that, unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to regulations contained in Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to Subsection (a) shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which full-time equivalent student (FTES) is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

5 CCR § 58106
Cal. Admin. Code tit. 5, § 58106

Title 5. Education
Division 6. California Community Colleges
Chapter 9. Fiscal Support
Subchapter 2. Limitations on State Aid
 [Article 1](#). Open Courses

➡ § 58106. Limitations on Enrollment.

In order to be claimed for purposes of state apportionment, all courses shall be open to enrollment by any student who has been admitted to the college, provided that enrollment in specific courses or programs may be limited as follows:

(a) Enrollment may be limited to students meeting prerequisites and corequisites established pursuant to section 55003,

(b) Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning or legal requirements imposed by statutes, regulations, or contracts. The governing board shall adopt policies identifying any such limitations and requiring fair and equitable procedures for determining who may enroll in affected courses or programs. Such procedures shall be consistent with one or more of the following approaches:

(1) limiting enrollment to a “first-come, first-served” basis or using other nonevaluative selection techniques to determine who may enroll; or

(2) limiting enrollment using a registration procedure authorized by section 58108; or

(3) in the case of intercollegiate competition, honors courses, or public performance courses, allocating available seats to those students judged most qualified; or

(4) limiting enrollment in one or more sections of a course to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions; or

(5) limiting enrollment using any selection procedure expressly authorized by statute; or

(6) with respect to students on probation or subject to dismissal, the governing board may, consistent with the provisions of sections 55031 and 55032, limit enrollment to a total number of units or to selected courses, or require students to follow a prescribed educational plan.

(c) A student may challenge an enrollment limitation established pursuant to subdivision (b) on any of the following grounds:

(1) the enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(2) the district is not following its policy on enrollment limitations;

(3) the basis upon which the district has established an enrollment limitation does not in fact exist; or

(4) any other criteria established by the district.

(d) The student shall bear the burden of showing that grounds exists for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the district shall waive the enrollment limitation with respect to that student.

(e) In the case of a challenge under subdivision (c)(1), the district shall, upon completion of the challenge procedure, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10. Completion of the challenge procedure shall be deemed to be an effort at informal resolution of the complaint under section 59327.

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

5 CCR § 58108

Cal. Admin. Code tit. 5, § 58108

Title 5. Education

Division 6. California Community Colleges

Chapter 9. Fiscal Support

Subchapter 2. Limitations on State Aid

 [Article 1](#). Open Courses

 **§ 58108. Registration and Enrollment Procedures.**

Procedures for registration and standards for enrollment in any course shall be only those which are consistent with these and other sections of Title 5 and uniformly administered by appropriately authorized employees of the district.

Except as otherwise provided by state law, no student shall be required to confer or consult with or be required to receive permission to enroll in any class from any person other than those employed by the college in the district.

Students will not be required to participate in any preregistration activity not uniformly required; nor shall the college or district allow anyone to place or enforce nonacademic requisites as barriers to enrollment in or the successful completion of a class.

No registration procedures shall be used that result in restricting enrollment to a specialized clientele.

The following registration procedures are permissible: special registration assistance to the handicapped or disadvantaged student as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established pursuant to legal authority by the local board of trustees.

With respect to accessibility to off-campus sites and facilities, no student is to be required to make any special effort not required of all students to register in any class or course section. Once enrolled in the class, all students must have equal access to the site.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.