

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

August 21, 2018

Agenda Item: 8.5

Subject: Report of edits made to Board Policy and Administrative Procedure

Background

CLPCCD participates in the Policy and Procedure Service (PPS) of the Community College League of California. The service is offered in partnership with the law firm of Liebert Cassidy Whitmore. All but one of the California Community Colleges participate in this service.

Twice per year, generally in April and October, the PPS issues an update in response to new laws and regulations, legal opinions, and clarifications requests that have occurred since the previous update.

Board Policy Edits

Board Policy edits made to correct word-processing errors, make minor no substantive wording changes, change or add citations, add an advisory reference note, or add a legally required statement that is in keeping with the existing content of the Policy, do not require Board of Trustees approval. However, these changes are reported as an information item when they occur, so that the Board and public are aware of the changes. The edits will be shown on policies attached to the informational report, highlighted with underline for additions and strike-through for deletions. Moreover, any Policy that is edited will be so noted, with the date the change was made, and posted on the CLPCCD website.

Administrative Procedure Edits

In similar fashion, when edits are made to APs, to address word-processing errors, make minor no substantive wording changes, change or add citations, add an advisory reference note, or add a legally required statement that is in keeping with the existing content of the Policy, the changes are made without the usual review and input process. While Administrative Procedures are not approved by the Board of Trustees, the edits are reported so as to provide notice to the Board and the public of changes that have been made. Any Administrative Procedure that is edited will be so noted, with the date the change was made, and posted on the CLPCCD website.

Report on August 2018 Edits to Board Policy

BP 3250 Institutional Planning – This policy was updated in response to amendments to Education Code Section 70901, and Chancellor’s Office plan reporting requirements.

BP 3410 Nondiscrimination - This policy was updated to add a legal citation to Labor Code Section 1197.5 (Equal Pay Act). AB 46 extended the Equal Pay Act to public employers and prohibits sex, race, and ethnicity-based wage differentials.

BP 3518 Child Abuse Reporting – This policy was revised to update a legal citation to the Family Code.

BP 4220 Standards of Scholarship – This policy was updated to include references to Title 5 Sections 51002 and 55050 et seq.

BP 4250 Probation, Dismissal, and Readmission – This policy was updated to remove legal citation Title 5 Section 55030, which was repealed.

BP 6307 Debt Management – This policy was updated to add legal citations and language pertaining to Title 4 Sections 6000 et seq. (regarding the California Debt and Investment Advisory Commission).

BP 7310 Nepotism – This policy was updated to add registered domestic partner to the definition of “immediate family.”

Report on August 2018 Edits to Administrative Procedure

AP 3410 Nondiscrimination – This procedure was updated to add legal citation Labor Code Section 1197.5 (Equal Pay Act) in the nondiscrimination reference for employment. AB 46 extended the Equal Pay Act to public employers and prohibits sex, race, and ethnicity-based wage differentials.

AP 3518 Child Abuse Reporting – This procedure was revised to update a legal citation to the Family Code.

AP 4103 Work Experience – This procedure was updated to reflect revised Title 5 requirements concerning Cooperative Work Experience Education plans and plan approval.

AP 4230 Grading and Academic Record Symbols – This procedure was updated to add a new non-evaluative symbol for excused withdrawals and related language.

AP 4250 Probation - This procedure was updated to remove legal citation Title 5 Section 55030, which was repealed. In addition, language pertaining to the California College Promise Program eligibility was included.

AP 5015 Residence Determination - This procedure was updated to add legal citations Education Code Sections 68074-68075.7, and add that a natural or adopted child, stepchild, or spouse of a member in the armed forces stationed in California is entitled to resident classification if he/she has been admitted to the District and the service member is subsequently transferred outside of California. This procedure was also updated to add a new basis to be exempt from paying nonresident tuition for refugees and individuals holding a special immigrant visa. Lastly, this procedure was updated to reflect the changes to Education Code Section pertaining to exemption for payment of nonresident tuition for students other than nonimmigrant aliens.

AP 5030 Fees - This procedure was updated to add language related to waiver of enrollment fees in certain situations and to replace the term BOG Fee Waiver with California College Promise Grant consistent with the California Community Colleges Chancellor's Office rebranding of the BOG Fee Waiver Program.

AP 5055 Enrollment Priorities – This procedure was updated to add legal citation Education Code Section 66025.92 and reflect the requirement that priority enrollment be granted to a student who is a recipient of aid under CalWORKS or a Tribal TANF program.

AP 5075 Course Adds and Drops – This procedure was updated to provisions for military withdrawals and excused withdrawals, which are required for any District that has a withdrawal policy.

AP 5130 Financial Aid – This procedure was updated to replace the term BOG Fee Waiver with California College Promise Grant consistent with the California Community Colleges Chancellor's Office rebranding of the BOG Fee Waiver Program.

AP 5300 Student Equity – This procedure was updated to add a note addressing the Chancellor's Office new reporting requirement for student equity plans as part of an "Integrated Plan."

AP 6340 Bids and Contracts – A note in this procedure was updated to reflect the 2018 bid threshold over which districts must competitively bid and award certain contracts, which was raised to \$90,200 effective January 1, 2018.

AP 7240 Confidential Employees – This procedure was updated to add a minor correction to the legal citation.

Recommended Action: Information item; no action required.

General Institution

BP 3250 INSTITUTIONAL PLANNING

References:

Accreditation Standard I.B; I.B.9; III.B; III.C; III.D
Title 5 Sections 51008, 54220, 55080, and 55510
BP 1200, BP 2510, and BP 3110

NOTE: *This policy is legally required.*

The Chancellor shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

Program review, planning, and resource allocation will be part of an integrated process that leads to accomplishment of the mission, sustained financial stability, and continuous improvement of academic quality and institutional effectiveness.

The following plans shall be renewed at least every six years:

- District Strategic Plan
- College Educational Master Plan
- District Facilities Master Plan

These plans shall inform District and College priorities and activities, as well as resource allocations.

The Chancellor shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

District Comprehensive Plan

The District Budget is aligned with the Comprehensive Plan. The District's Comprehensive Plan will be comprised of the District Strategic Plan, the Chabot College Educational Master Plan, and the Las Positas College Educational Master Plan. The District also maintains a Comprehensive Facilities Master Plan, which includes the District Technology Master Plan.

The Comprehensive Plan will include goals and objectives for meeting the mission, sustained financial stability, and continuous improvement of quality and effectiveness. The goals will align with the systemwide goals identified in the Vision for Success, which were adopted by the Board of Governors of the California Community Colleges in 2017.~~On a~~

~~three-year basis~~ Strategic priorities will be identified from the goals and objectives, to serve as areas of focus for the Colleges and District.

College Educational Master Plan

Each College will complete an Educational Master Plan (EMP) that aligns with the District Strategic Plan, and includes College long term goals and measurable objectives. The EMP will contain plans for instructional programs, student support services, and learning support services, including but not limited to degree programs, transfer programs, career technical programs, noncredit courses and programs, remedial and developmental programs, online education, library services, counseling, placement, and financial aid. The plan will examine current and future enrollments, and will integrate goals and activities from student equity plans, student success and support programs, and strong workforce plans.

Program Review

Comprehensive Program Reviews will be conducted regularly at least once every three years by operational service areas at the colleges and District, and by instructional, student service, and learning support service programs. The Program Review will provide a program-level assessment of progress in meeting strategic priorities, goals and objectives included in the Educational Master Plan and District Strategic Plan. The Program Review will also evaluate the effectiveness of core functions of the program, impact on academic quality and institutional effectiveness, future plans and resource needs. Student learning outcomes will be included in Program Reviews.

A College-Wide Program Review Summary at each college and a District Office Program Review Summary will be completed following the completion of comprehensive Program Reviews, for use in the annual budget development and resource allocation processes.

Program Review Updates will be completed by programs during any year that a comprehensive Program Review is not required.

District Facilities Master Plan

The District Facilities Master Plan serves as the long-term capital plan for physical resources of the District and the Colleges, including facilities, equipment, land, and other assets. The District Technology Master Plan addresses the technology aspects of facilities and equipment planning for the District and Colleges. The District Technology Master Plan aligns with the Facilities Master Plan, though it is completed separately from the Facilities Master Plan.

The District Facilities Master Plan will support the goals of the District Strategic Plan and the College Educational Master Plans. It will address access, safety, security, healthful learning and working environments, utilization, and maintenance, using data and analysis of future needs.

Implementation of the District Facilities Master Plan will reflect projections of the total cost of

ownership and be consistent with the District Total Cost of Ownership Plan, which includes expenses associated with deploying, using, and retiring facilities and equipment, including operating costs for ongoing and deferred maintenance, and personnel costs, both administrative and direct staffing.

On an annual basis, progress toward achievement of the District Facilities Master Plan and District Technology Plan will be assessed, and short term facility, equipment, and maintenance needs will be evaluated as a part of Program Review.

Other Plans Required by Law

Other plans required by law, regulation, funder, or policy will be completed in accordance with their separate requirements, including:

- Equal Employment Opportunity Plan
- EOPS Plan
- Emergency Preparedness Plan

The Chancellor shall submit those plans for which Board approval is required by Title 5 to the Board.

The Chancellor shall inform the Board about the status of planning and the various plans.

Date Adopted: November 17, 2015, Edited August 21, 2018

General Institution

BP 3410 NONDISCRIMINATION

References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;;
Title 5 Sections 53000 et seq. and 59300 et seq.;;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.;;
Labor Code Section 1197.5;
Title 2 Sections 10500 et seq.;;
Accreditation Standard II.B.2.c

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

Date Adopted: June 16, 2015; Edited August 21, 2018

General Institution

BP 3518 CHILD ABUSE REPORTING

References:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a,
and 11164-11174.3;
Welfare and Institutions Code Sections 300, 318, and 601;
Family Code Sections 7802, 7807, 7808, 7820-7827, 7890, and 7892

The Chancellor shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

Date Adopted: September 15, 2015

Edited August 21, 2018

Academic Affairs

BP 4220 STANDARDS OF SCHOLARSHIP

References:

Education Code Section 70902 subdivision (b)(3);
Title 5 Sections 51002, 55020 et seq., 55031 et seq., ~~and 55040 et seq.~~, and
55050 et seq.

The academic standards of Chabot and Las Positas Colleges are established to assist students in making appropriate educational plans. The standards of scholarship shall be consistent with the provisions of Title 5 Sections 55020 et seq., 55030 et seq., 55040 et seq., 55050 et seq., and board policy. There are two indices to academic standards: Academic Grade Point Average and Academic Standing. The Colleges will advise students of their grade point average and progress in order that they may make sound self-appraisal of their college work.

Scholastic Honors

Students who graduate with "Highest Honors" (G.P.A. of 3.50 or better) and those who graduate with "Honors" (G.P.A. of 3.25 or better) are recognized at graduation.

Students who complete at least 6 units of work each semester with grades of A, B, C, D, or F yielding a semester grade point average of 3.50 or better are recognized for academic distinction by placement on the Academic Honors List and by a notation on the student's transcript.

The Chancellor shall rely primarily on the Academic Senates to establish procedures regarding standards of scholarship consistent with the provisions of Title 5 Sections 55020 et seq., 55030 et seq., 55040 et seq., and Board policy.

These procedures shall address: grading practices, academic record symbols, grade point average, credit by examination, academic and progress probation, academic and progress dismissal, academic renewal, course repetition, limits on remedial coursework, and grade changes.

These procedures shall be described in each college's catalog.

Academic Affairs

BP 4250 PROBATION, DISMISSAL, AND READMISSION

References:

Title 5 Sections 55031-55034, and 58600 et seq.
Education Code Sections 66021.6, 66025.9, 70902 subdivision (b)(3), and 76300;
20 U.S. Code Sections 1070 et seq.;
34 Code of Federal Regulations Section 668 (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);
ACCJC Accreditation Standard III.D.15

Probation

A student shall be placed on academic probation if he/she has attempted a minimum of 12 semester units of work and has a grade point average of less than a "C" (2.0).

A student shall be placed on progress probation if he/she has enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of "W," "I," "NC," and "NP" were recorded reaches or exceeds 50 percent.

A student shall become ineligible for a Board of Governors (BOG) Fee Waiver if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

Foster Youth shall not be subject to loss of BOG Fee Waiver due to placement on academic or progress probation.

A student who is placed on probation may submit an appeal in accordance with procedures to be established by the Chancellor.

A student may appeal the loss, due to academic or progress probation, of a BOG Fee Waiver. The appeal may be due to extenuating circumstances, or for special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

A student on academic probation shall be removed from probation when the student's accumulated grade point average is 2.0 or higher. A student on progress probation shall be removed from probation when the percentage of units in the categories of "W," "I," "NC," and "NP" drops below 50 percent.

The BOG Fee Waiver eligibility of a student who has lost eligibility due to two consecutive primary terms of academic or progress probation will be reinstated upon satisfactory completion of a minimum of 3 semester units following the loss of eligibility effective date.

Dismissal

A student who is on academic probation shall be subject to dismissal if the student has earned a cumulative grade point average of less than 1.75 in all units attempted in each of three consecutive semesters.

A student who is on progress probation shall be subject to dismissal if the cumulative percentage of units in which the student has been enrolled for which entries of "W," "I," "NC," and "NP" are recorded in at least three consecutive semesters reaches or exceeds 50 percent.

A student who is subject to dismissal may submit a written appeal in compliance with administrative procedures. Dismissal may be postponed and the student continued on probation if the student complies with the process delineated in the respective college catalog.

Readmission

A student who has been dismissed may request reinstatement through the process delineated in the respective college catalog.

Readmission may be granted, denied, or postponed according to criteria contained in administrative procedures and published in the respective college catalog.

The Chancellor shall develop procedures for the implementation of this policy that comply with the Title 5 requirements.

Date Adopted: February 18, 2014

Revised: Edited August 21, 2018

(This policy replaced previous CLPCCD Policies 5213 and 5220)

Business and Fiscal Affairs

BP 6720 DEBT ISSUANCE AND MANAGEMENT POLICY

References:

S.B. 1029, codified as part of Government Code Section 8855;
Government Code Section 53311 et seq; 53506 et seq; 53850 et seq;
California State Constitution, Article XVI, Section 18; Article XIII A, sections
1(b)(2)- Proposition 46, and 1(b)(3) Proposition 39; and
Education Code Sections 15000 et seq, 15264 et seq, 17400, et seq, 17450 et seq,
17455 et seq.
Title 4, Sections 6000 et seq. (California Debt and Investment Advisory Commission)

NOTE: *This policy is legally required.*

This Debt Issuance and Management Policy sets forth the guidelines for the issuance of indebtedness by the Chabot-Las Positas Community College District (the “District”) in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855, and state laws that govern the issuance of general obligation bonds (“GO Bonds”) by community college districts. The District shall also fulfill the requirements of Title 4, Sections 6000 et seq. for submitting reports, prior to a debt issue and after the sale of debt, to the California Debt and Investment Advisory Commission via the online portal.

Purpose and Goals

This Policy provides a framework for debt management and capital planning by the District, including:

- (1) Identifying the purposes for which the debt proceeds may be used.
- (2) Identifying the types of debt that may be issued.
- (3) Describing the relationship of the debt to, and integration with, the District’s capital improvement program or budget.
- (4) Establishing policy goals related to the District’s planning goals and objectives.
- (5) Implementing internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use upon completion of the issuance.

Purposes for Which Debt Proceeds May be Used

Authority and Purposes of the Issuance of Debt

The laws of the State of California (the “State”) authorize the District to incur debt to make lease payments, contract debt, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.

Debt Issued to Finance Operating Costs

The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other moneys attributable to the fiscal year in which the debt is issued.

General operating costs include, but are not limited to, those items normally funded in the District’s annual operating budget.

The Chancellor or the Chancellor’s designee will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include but are not limited to tax and revenue anticipation notes, temporary borrowing from the Alameda County Treasurer and Tax Collector, and temporary interfund borrowing.

Types of Debt That May be Issued

Types of Debt Authorized to be Issued

Short-Term: The District may issue fixed-rate and/or variable rate short-term debt, which may include tax and revenue anticipation notes (TRANs), when such instruments allow the District to meet its cash flow requirements. The District may also issue bond anticipation notes (BANs) to provide interim financing for bond projects that will ultimately be paid from General Obligation (GO) Bonds.

Long-Term: Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.

The District may also enter into long-term leases and/or participate in the sale of certificates of participation or lease revenue bonds for public facilities, property, and equipment.

Lease/Equipment Financing: Lease-purchase obligations or appropriation leases are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.

General Obligation Bonds: A significant portion of the District's capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.

Relationship of Debt to and Integration with District's Capital Improvement Program or Budget

Impact on Operating Budget and District Debt Burden

In evaluating financing options for capital projects, both short and long-term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.

Capital Improvement Program

Under the direction of the Chancellor, the Vice Chancellor of Business Services and the Vice Chancellor of Facilities have responsibility for the planning and management of the District's capital improvement program subject to review and approval by the Board of Trustees. In accordance with Board Policy, the facilities master plan will be supplemented and revised to address the District's current needs for the acquisition, development and/or improvement of District's real estate and facilities. Such plans may include a summary of the estimated cost of each project, including total cost of ownership, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.

Refunding and Restructuring Policy

Considerations for Refunding.

District's Best Interest: Whenever deemed to be in the best interests of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.

Net Present Value Analysis: The District shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.

Maximize Expected Net Savings: The District shall time the refinancing of debt to maximize the District's expected net savings over the life of the debt.

Compliance with Existing Legal Requirements. The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.

Policy Goals Related to District's Planning Goals and Objectives

In its debt issuance and management, the District shall pursue the following goals:

- The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.
- To the extent applicable, the District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.
- The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.
- The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.
- The District shall consider market conditions and District cash flows when timing the issuance of debt.
- The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.
- The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economical, while considering repair and replacement costs of those assets to be incurred in future.
- The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District's General Fund.
- The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.

Internal Control Procedures for Issuance of Debt to Ensure Intended Use of Proceeds Structure of Debt Issues

Maturity of Debt

The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. In addition, the average life of tax-exempt financing shall not exceed 120% of the average life of the assets being financed. The District shall also consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

Debt Structure, GO Bonds

New Money Bond Issuances: For tax-exempt new money bond issuances, the District shall size the bond issuance consistent with the "spend-down" requirements of the Internal Revenue Code and, for all new money bond issuance, within any limits approved by the District's voters. To the extent

possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District's bond issuance.

Refunding Bond Issuances: The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.

Maximum Maturity: All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of tax-exempt bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.

Taxable Bonds: Taxable bonds shall be considered for funding projects which do not satisfy the "spend-down" requirements of the Internal Revenue Code.

Lease-Purchase Obligations

The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.

Debt Service Structure

The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

Use of Proceeds

The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In connection with the issuance of all GO Bonds:

- As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District's voters; and
- Under the Direction of the Chancellor, the Vice Chancellor, Business Services shall have the responsibility, no less often than annually, to provide to the District's Board of Trustees a written report which shall contain at least the following information:
 - (i) The amount of the debt proceeds received and expended during the applicable reporting period; and
 - (ii) The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

These reports may be combined with other legally required periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt.

The reporting requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended.

- The District shall post on the District website the Annual Report of the District's Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.
- The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.

Date Adopted: June 6, 2017

Edited August 21, 2018

Human Resources

BP 7310 NEPOTISM

References:

Government Code Sections 1090 et seq. and 12940 et seq.;

NOTE: *The following is legally advised.*

The District does not prohibit the employment of relatives or domestic partners in the same department or division, with the exception that they shall not be assigned to a position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel and other job-related decisions.

For purposes of this policy, immediate family means spouse, registered domestic partner, parents, grandparents, siblings, children, step-children, grandchildren and in-laws or any other relative living in the employee's home.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

Date Adopted: June 16, 2015; Edited August 21, 2018

General Institution

AP 3410 NONDISCRIMINATION

References:

Education Programs

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;

Penal Code Sections 422.55 et seq.;

Title 5 Sections 59300 et seq.;

Accreditation Standard II.B.2.c

Employment

Education Code Sections 87100 et seq.;

Title 5 Sections 53000 et seq.;

Government Code Sections 11135 et seq. and 12940 et seq.

Labor Code Section 1197.5 (Equal Pay Act)

Title 2 Sections 10500 et seq.

NOTE: *It is legally required for districts to have this procedure.*

Education Programs

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” mean’s a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, including as a Vietnam-era veteran.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

The District will not discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

The procedure for the investigation and resolution of complaints of discrimination by or against any staff or faculty member within the District is set forth in AP 3435 (Discrimination and Harassment Complaint Procedures). Depending on the circumstances, the procedure for the investigation and resolution of complaints against students is set forth in either AP 3435 or AP 5530 (Student Rights and Grievances).

Date Approved: May 19, 2015; Edited August 21, 2018.

General Institution

AP 3518 CHILD ABUSE REPORTING

References:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;
Welfare and Institutions Code Sections 300, 318, and 601;
Family Code Sections 7802, 7807, 7808, 7820-7827, 7890, and 7892

The District recognizes the responsibility of its staff to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty, educational administrators and classified staff. Volunteers are not mandated reporters, but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse and/or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Section 11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position drawing when appropriate on his/her training and experience, to suspect child abuse” (Penal Code Section subdivision 11166(a)).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. School district police or security departments are not child protective agencies (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172 subdivision (a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her identity to the employer (Penal Code Section 11166 subdivision (h)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code Section 11172 subdivision (e)).

Mandated reporters must report immediately any reasonable suspicion of child abuse to a local Police Department and follow up with a written report within 36 hours. The written report may be mailed or submitted by facsimile or electronic transmission.

Child abuse reporting forms are available on the CA Attorney General's website (<http://oag.ca.gov/childabuse/forms>).

- Suspected Child Abuse Report Form
http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf?
- Instructions
http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/8572_instruct.pdf?

Forward completed forms to the Alameda County Department of Social Services. Call them at 510-259-1800 for more information.

- http://www.alamedasocialservices.org/public/contact_us/hotlines_and_services.cfm

The CA Department of Social Services is another resource.

- (<http://www.dss.cahwnet.gov/cdssweb/default.htm>).

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false. (Penal Code Section 11172 subdivision (a))

When a college official releases a minor pupil to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code Section 11165 or pursuant to Welfare and Institutions Code Section 305. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency; and parental consent is not required for release of student information under the Family Education Rights and Privacy Act, or the California Student Records Act (Education Code Sections 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167 subdivision (b)).

The District shall provide a mandated reporter with a statement informing the employee that he/she is a mandated reporter and inform the employee of his/her reporting obligations under Penal Code Section 11166 and of his/her confidentiality rights under

subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his/her employment and as a prerequisite to that employment, employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code Section 11166.5).

Date Approved: August 18, 2015
Edited August 21, 2018

Academic Affairs

AP 4103 WORK EXPERIENCE

References:

Title 5 Sections 55250 et seq.

NOTE: *This procedure is **legally required** if the District permits work experience.*

The District's Work Experience Plan is developed and submitted to the Board of Trustees. The plan includes:

- The systematic design of a program whereby students gain realistic learning experiences through work;
- A specific description of the respective responsibilities of the college, the student, the employer, and other cooperating agencies;
- Guidance services;
- A sufficient number of qualified academic personnel to direct the program;
- Processes that assure students' on-the-job learning experiences are documented with written measurable learning objectives, students are required to meet certain criteria and are evaluated, and the basis for awarding grades and credit is described;
- Adequate clerical and instructional services are provided;
- A statement that the District has adopted the plan, subject to approval by the Board of Trustees.

The colleges should have processes in place which address:

- The maintenance of records that include the type and units of work experience in which a student is enrolled, where employed, job held, basis for determining student qualifications, student hours worked, evaluation of performance, and that a work permit was issued, if appropriate.
- Supervising faculty must maintain records that show consultation with the employer and the student, evaluation of the student's achievement, and the final grade.

Academic Affairs

AP 4230 GRADING AND ACADEMIC RECORD SYMBOLS

References:

Title 5 Section 55023

Evaluative symbols:

A – Excellent – grade of 4

B – Good – grade of 3

C – Satisfactory – grade of 2

D – Passing (Less than satisfactory) – grade of 1

F – Failing – grade of 0

P – Pass (At least satisfactory)

NP – No Pass (Less than satisfactory)

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

Non-Evaluative symbols:

I – Incomplete

IP – In progress

RD – Report delayed

W – Withdrawal

MW – Military withdrawal

EW – Excused Withdrawal; Withdrawal for Extenuating Circumstances (Ref. FA Contract Article 9L.2; Title 5 Section 55024)

The Academic Grade Point Average is an index of the quality of a student's work.

To enable the calculation of grade point average, eligibility for honors and recognition, and other scholastic status, letter grades are converted to numerical form. The grade point average (G.P.A.) is calculated by dividing total grade points by total units attempted:

$$\text{G.P.A.} = \frac{\text{Total Grade Points}}{\text{Total Units Attempted}}$$

Administrative Symbol "IP" - Mastery Learning Courses

The administrative symbol "IP" is established to indicate coursework "in progress." Its use is limited to mastery learning courses. It may be used only for a student who is

making satisfactory progress toward the completion of a course but who has not completed all of the modules by the end of the semester or session.

The symbol "IP" is not a grade; therefore, it has no value in calculating unit credit, grade point average, or grade point balance. Only one symbol "IP" may be received by a student for any one mastery learning class; therefore, the class must be completed within two academic terms (semester or session).

Administrative Symbol "RD" - Report Delayed

The administrative symbol "RD" may be assigned by the responsible Admissions and Records Administrator or designee. It is to be used only when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent grade/symbol, as soon as possible.

"RD" shall not be used in calculating grade point averages.

Administrative Symbol "I" - Incomplete

Incomplete academic work for unforeseeable emergency and justifiable reasons at the end of the term may result in an "I" symbol being entered by the instructor on the student's permanent record. The following documentation shall be maintained in writing by the responsible Admissions and Records Administrator or designee:

- The condition(s) stated by the instructor for removal of the "I."
- The letter grade to be assigned when the stipulated work has been completed or the letter grade to be assigned if the work has not been completed within the designated time limit.

The "I" shall be made up by the end of the term or semester following the date it was granted. The student may petition to extend this deadline date because of extenuating circumstances, but it will require the approval of the Chief Instructional Officer or designee, and the instructor of record.

The "I" symbol shall not be used in calculating units attempted nor for grade points.

Administrative Symbol "MW" - Military Withdrawal

The Military Withdrawal ("MW") symbol is part of the Academic Record Symbols and Grade Point Average regulations to assist students who are members of an active or reserve military service, and who receive orders compelling withdrawal from courses. The "MW" symbol shall not be used in calculating units attempted for grade points or progress. There shall not be any charge for Military Withdrawal, and a full refund of enrollment fees shall be made for all class(es) from which the student must withdraw.

Upon verification of such orders, this symbol shall be assigned at any time after the No Grade of Record (NGR) period - end of second week of classes.

The "MW" shall not be counted in progress probation and dismissal calculations.

Upon petition of a student who receives an order compelling a withdrawal from courses, the District shall refund the entire enrollment fee unless academic credit is awarded.

Administrative Symbol "EW" - Excused Withdrawal

Excused Withdrawal occurs when a student is permitted to withdraw from a course(s) due to specific events beyond the control of the student affecting his or her ability to complete a course(s). These events and may include an accident or illness, job transfer outside the geographical region, an illness in the family where the student is the primary caregiver, when the student who is incarcerated in a California state prison or county jail is released from custody or involuntarily transferred before the end of the term, when the student is the subject of an immigration action, or other circumstances making course completion impracticable. Upon consultation with the course faculty and verification of these conditions or reviewing documentation substantiating the condition, an excused withdrawal symbol may be assigned. The withdrawal symbol so assigned shall be an "EW."

Date Approved: February 18, 2014

Edited August 21, 2018

Academic Affairs

AP 4250 PROBATION, DISMISSAL, AND READMISSION

References

Title 5 Sections 55031- 55034, 55031 and 58600 et seq, 66021.6, 66025.9, and 76300

Probation

A student shall be placed on academic probation if he/she has attempted a minimum of 12 semester units of work and has a grade point average of less than a "C" (2.0).

A student shall be placed on progress probation if he/she has enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of "W," "I," "NC," and "NP" were recorded reaches or exceeds 50 percent.

Continuation of a student's status on probation for three consecutive terms will subject the student to dismissal. However, a student who is on academic probation and earns a semester grade point average of 1.75 or better shall not be dismissed as long as this minimum semester grade point average is maintained.

Students should see a counselor to discuss their progress or academic status and for details associated with the academic standards policy.

Notification of Probation

Each student is entitled to be notified of his/her academic difficulty and the availability of college support services to respond to the academic difficulty before the student is dismissed. The letter notifying the student of probation will cover, at a minimum, an explanation of the probation status, the significance of being on probation, including possible loss of California College Promise Grant (formerly known as BOG Fee Waiver) eligibility. ~~and a description of the services available for maintaining academic, progress, and BOG Fee Waiver eligibility.~~ The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the **California College Promise Grant** ~~BOG Fee Waiver~~ until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

Notification will be given, at a minimum, at the following points:

- Within 30 days following the semester in which a student is placed on academic or progress probation, the student will be provided a written notification, by email and/or by postal service, of being placed on such status.
- Within 30 days following the second semester after a student has been placed on academic or progress probation, if the student has not raised the cumulative grade point average to 2.0 or higher (academic probation) or reduced the percentage of cumulative poor progress units to below 50% (progress probation), the student will be provided a written notification, by email and/or by postal service, of continuing on such status.
- Within 30 days of the end of the third semester in which the student is on academic or progress probation, a notice that the student is subject to dismissal will be sent to the student informing him/her that he/she is subject to dismissal.

Appeal of Probation

Under extenuating circumstances beyond the student's control or ability to foresee, exceptions to these procedures may be granted by the Director of Admissions and Records.

Loss of Eligibility for ~~BOG Fee Waiver~~ California College Promise Grant

A student shall become ineligible for a California College Promise Grant (formerly known as the BOG Fee Waiver) if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

Foster Youth shall not be subject to loss of California College Promise Grant due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9(c).

Appeal of Loss of Eligibility for ~~BOG Fee Waiver~~ California College Promise Grant

A student may appeal the loss, due to academic or progress probation, of a California College Promise Grant ~~BOG Fee Waiver~~. The appeal may be due to:

- Documented and verifiable extenuating circumstances that have now been addressed so the student may successfully maintain eligibility.
- Documented and verifiable extraordinary extenuating circumstances, such as serious illness or accident; death, accident or serious illness in the immediate family; or other mitigating circumstances.
- For special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

The appeal form, with attached documentation, should be submitted to the College Financial Aid Office. The attached documentation may include a plan developed with a counselor outlining what the student will do to improve their academic status.

The ~~BOG Fee Waiver~~ California College Promise Grant eligibility of a student who has lost eligibility due to two consecutive primary terms of academic or progress probation will be reinstated upon satisfactory completion of a minimum of 3 semester units following the loss of eligibility effective date.

Dismissal

A student who is on academic probation shall be subject to dismissal if the student has earned a cumulative grade point average of less than 1.75 in all units attempted in each of three consecutive semesters.

A student who is on progress probation shall be subject to dismissal if the cumulative percentage of units in which the student has been enrolled for which entries of "W," "I," "NC," and "NP" are recorded in at least three consecutive semesters reaches or exceeds 50 percent.

The first time a student is dismissed, the student may apply for readmission after one semester (summer session not included) or non-attendance. In the case of a second dismissal, the student may apply for readmission after 5 years of non-attendance. Summer session does not count as a semester in determining academic status.

A student who is subject to dismissal may submit a written appeal in compliance with administrative procedures. Dismissal may be postponed and the student continued on probation if the student complies with the process delineated in the respective college catalog.

Dismissal Letter

The letter notifying the student that he/she is subject to dismissal will cover, at a minimum, reference to this procedure, explanation of what dismissal means, procedure for reinstatement, and procedure to appeal the dismissal.

Appeal of Dismissal

The student has the right to appeal a dismissal action if the student feels that facts exist that warrant an exception to the dismissal action. The student must file the written appeal form with the Director of Admissions and Records within thirty days after the dismissal letter was mailed. If the student fails to file a written petition within the thirty day time limit, the student waives all future rights to appeal the dismissal action. It is the student's responsibility to indicate on the petition a clear statement of the grounds on which continued enrollment should be granted and to provide documentation supporting the reasons.

The student will be continued on probation until the Director of Admissions and Records decides on the student's appeal.

The appeal decision of the will be communicated to the student in writing within thirty days of receipt of the student's appeal. The student may appeal the decision of the Director of Admissions and Records in writing to the Vice President of Student Services,

within 5 working days of the date of notification of the appeal decision. The decision of the Vice President of Student Services is final.

If the dismissal appeal is granted, the student may be continued on probation for an additional semester. At the end of the additional semester, the student's academic record will again be evaluated to determine whether the student may be removed from probation, should be dismissed, or should be continued on probation.

Standards for Dismissal Appeals

Dismissal appeals may be granted under the following circumstances:

- If the dismissal determination is based on the academic record for one semester in which the record does not reflect the student's usual level of performance due to accident, illness, or other circumstances beyond the control of the student. Verification should be submitted with the appeal.
- The student enrolls in a corrective program designed to assist him/her in improving academic skills, such as obtaining academic counseling, and/or limiting course load.
- When there is evidence of significant improvement in academic achievement.

Readmission

A student who has been dismissed may request reinstatement through the process delineated in the respective college catalog.

Readmission may be granted, denied, or postponed according to criteria contained in administrative procedures and published in the respective college catalog.

Date Adopted: February 18, 2014

Edited: August 21, 2018

(This policy replaced previous CLPCCD Policies 5213 and 5220)

Student Services

AP 5015 RESIDENCE DETERMINATION

References:

Education Code Sections 68000 et seq., ~~and~~ 68130 et seq., and 68074-68075.7
Title 5 Sections 54000 et seq.

Residence Classification – Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend. In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.
- Residence classification is the responsibility of the College Admissions & Records Office.

Students must be notified of residence determination within 14 calendar days of submission of application.

Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.

- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. If the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.

- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
 - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is attending at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.

- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.
- A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.
- A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.

- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she intends to establish residency in California as soon as possible.
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Section 76140 for the length of time he/she lives in this state up to the minimum time necessary to become a resident.

Right To Appeal – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the College Admissions & Records Office may make written appeal to the Chief Student Services Officer within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to College Admissions & Records Office which must forward it to the Chief Student Services Officer within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Chief Student Services Officer shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the Chief Student Services Officer shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification – A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions are to be submitted to the Admissions Office.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student

failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college District (Education Code Section 68044).

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Chief Student Services Officer will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.

Non-Citizens – The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance of, or attainment of credits earned while in California equivalent to high school attendance in California for three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met: :-

- graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- eCompletion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the College Admissions & Records Office. Students may appeal the decision.

Date Approved: March 18, 2014

Edited: August 21, 2018

Student Services

AP 5030 FEES

References:

Education Code Sections 70902 subdivision (b)(9), 76300, 76300.5, and 66025.3;

Civil Code Section 1719;

Title 5 Sections 51012, 58520, and 58629;

California Community College Chancellor's Office (CCCCO) Student Fee Handbook;

ACCJC Accreditation Standard I.C.6

Required fees include:

1. **Enrollment Fee** (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
California residents, except those exempt by law, must pay a enrollment fee for classes at the colleges.

The District may waive enrollment fees which were not collected in a previous session as a result of the District's error -through no fault of the student- in awarding a **California College Promise Grant (formerly known as Board of Governors Fee Waiver)** to an ineligible student, if to collect the enrollment fee would cause the student undue hardship.

2. **Nonresident Tuition Fee** with these permissive exemptions (Education Code Sections 76140 and 76140.5):
 - a. All nonresident students enrolling for 6 or fewer units; or
 - b. A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
 - c. All students, other than nonimmigrant aliens under 8 U.S. Code Section 1101 subdivision (a)(15), who meet the following requirements:
 - i. high school attendance in California for three or more years;
 - ii. graduation from a California high school or attainment of the equivalent thereof;
 - iii. registration or enrollment in a course offered for any term commencing on or after January 1, 2002;

- iv. completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
- v. in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

Fees authorized by law include:

- **Instructional Materials Fee** (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408).
Each college will develop its own procedure for charging instructional materials fees. These fees will reflect actual costs of consumable materials in certain designated classes.

- **Parking Fee** (Education Code Section 76360)
Students are required to register the vehicle they wish to park on campus. Vehicles are registered at the beginning of each semester. New parking permits/decals of a different color will be issued each semester. One parking permit/decal is issued for each registered vehicle upon payment of the parking fee. Daily parking tickets are available at the ticket dispenser machines located on all student lots, and the permit shall be displayed on the dashboard on the driver's side.

Parking fees for disabled students with current DMV placard may be waived by the College Vice President of Student Services based on financial need.

Enforcement of parking rules and regulations shall begin the third week of instruction of each semester and tickets will be issued for violators.

- **Health Fee** (Education Code Section 76355)
Each college will develop its own procedure for charging health fees. These fees will reflect the actual cost of health services & related expenses.
- **Noncredit courses** (Education Code Section 76385)
- **Community service courses** (Education Code Section 78300)
- **Cross-Enrollment with the California State University (CSU) or University of California (UC)** (Education Code Section 66753)
- **Nonresident application processing** (Education Code Section 76142)

- **Nonresident capital outlay** (Education Code Section 76141)
- **Refund processing** (Title 5 Section 58508)
- **Credit by Examination** (Education Code Section 76300; Title 5 Section 55050)
- **Use of facilities financed by revenue bonds** (Education Code Section 81901 subdivision (b)(3))
- **Copies of student records** (Education Code Section 76223)
- **Telephone registration** (Education Code Section 70902 subdivision (a))
- **Credit Card Use** (Education Code Section 70902(b)(9))
- **International Student Medical Insurance** (Education Code Section 70902(b)(9))
- **Child care** (Education Code Sections 79121 et seq. and 66060)
- **Student Center** (Education Code Section 76375; Title 5 Section 58510)
- **Student representation** (Education Code Section 76060.5; Title 5 Sections 54801 and 54805)
- **Transportation** (Education Code Sections 76361 and 82305.6)
- **Instructional Tape Lease/Deposit** (Education Code Section 70902 subdivision (b)(9))
- **Physical fitness test** (Education Code Section 70902 subdivision (b)(9))
- **Athletic insurance** (Education Code Section 70902 subdivision (b)(9))
- **Non-District physical education facilities** (Education Code Section 76395)

Collection and Refund of Fees

- **Fee Refunds** – Students may request a refund of enrollment fees as long as the student withdraws from the class during the first two weeks of instruction for a regular-term class or by the ten percent point of the length of a short-term class. Refunds are not automatic. Requests for refunds must be filed by June 30 for the academic year just ended. Credit balances do not carry over from one academic year to the next.

A student who must withdraw for military purpose shall be refunded 100% fees paid, regardless of the date of withdrawal. In this case, requests for refunds made after the end of the academic year will be honored.

- **Outstanding Debt Collection** – The District may refer a student's outstanding debt to a collection agency and/or the State of California Franchise Tax Board (FTB) for collection. Once referred, additional fees may apply and credit rating may be affected. If debt is referred to the FTB, amounts owed may be deducted from a student's state tax refund, California lottery prize, or unclaimed property.
- **Returned Checks** – Pursuant to Civil Code Section 1719, the District will assess a service charge for any check passed on insufficient funds.

Waiver of Fees

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a California College Promise Grant (formerly known as Board of Governors Fee Waiver) to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

Date Approved: March 18, 2014

Edited: August 21, 2018

Student Services

AP 5055 ENROLLMENT PRIORITIES

References:

Education Code Sections 66025.8, ~~and 66025.9,~~ and 66025.92
Title 5 Sections 58106 and 58108

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites. (See BP and AP 4260 titled Prerequisites and Co-requisites)

Enrollment may be limited due to the following:

- health and safety considerations;
- facility limitations;
- faculty workload;
- availability of qualified instructors;
- funding limitations;
- regional planning;
- legal requirements; and
- contractual requirements.

The District will provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

Students will have the following registration priority, in the order of priority listed below:

- Students who have completed orientation, assessment, and developed student education plans and are eligible as a member of the armed forces or a veteran pursuant to Education Code Section 66025.8 or as a foster youth, former foster youth or homeless youth pursuant to Education Code Section 66025.9; students who are receiving services through CalWORKSs; and students who are Tribal TANF recipients.
- Students who have completed orientation, assessment, and developed student education plans and are eligible and receiving services through Disabled Student Programs and Services or Extended Opportunity Programs and Services;
- Students who are continuing students, not on academic or progress probation for two consecutive terms as defined in these policies and procedures, and first time students who have completed orientation, assessment, and developed student education plans.

These registration priorities do apply to courses offered during summer or intersessions.

Registration priority specified above shall be lost at the first registration opportunity after a student:

- Is placed on academic or progress probation or any combination thereof as defined in these BP and AP 4250 titled Probation for two consecutive terms; or
- Has earned one hundred (100) or more degree-applicable semester or quarter equivalent units at the District.

Summary of Key Enrollment Limit Topics

The table below provides an overview of the Title 5 regulations on repetition and withdrawals and corresponding enrollment and apportionment limitations. The purpose of this section is to provide an at-a-glance summary of the key regulatory topics on enrollment limits addressed in this document. (From the California Community Colleges Guidelines for Title 5 Regulations on Repeats and Withdrawals adopted by the Board of Governors on July 11, 2011 and effective October 12, 2011)

Regulatory Provision	Enrollment Limit for Student	Enrollment Limit for Apportionment (58161)	Summary
1. Apportionment Limit on Enrollment in Non-repeatable Courses (55024)(a)(9), (55040), (58161)	3 enrollments +1 (petition required if district policy allows it)	3 enrollments + 1 (petition required if district policy allows it)	A student may enroll in the same credit course a maximum of 3 times. Districts may permit one additional funded enrollment on an appeal basis if a student needs to repeat due to significant lapse of time or due to extenuating circumstances relating to verified cases of accidents, illness, or other circumstance beyond the student's control. Districts can allow additional enrollments on an appeal basis without claiming apportionment. [55024(a)(9), 58161(e)]
2. General Rule on Repetition where Satisfactory Grade Received	1 enrollment	1 enrollment	Student receiving a satisfactory grade may not repeat a course (unless another rule allows it). [55042(b)]
3. Substandard Grade (55042)	Initial enrollment, plus 2 repeat enrollments	3 enrollments+1	A student receiving a substandard grade has two opportunities to repeat a course to alleviate the substandard grade. Districts may permit an additional enrollment on a petition basis for extenuating circumstances (<i>if a student received an evaluative symbol</i>) and claim apportionment for that enrollment. The first two substandard grades may be excluded in computing the student's GPA. (55042)
4. Significant Lapse of	1 enrollment	1 enrollment	District may permit a student who

Time (55043)			previously received a satisfactory grade to repeat a course due to significant lapse of time. Significant lapse of time is defined by district policy. [55043(a)(1)] <i>Until new regulations are adopted to establish a timeframe for significant lapse of time, the Chancellor's Office recommends that districts define it as a period of no less than 36 months since the last satisfactory grade was obtained.</i> Prior grade and credit may be disregarded per district policy. [55043 (c)]
5. Extenuating Circumstances (55045)	1 enrollment	1 enrollment	District may permit a student to petition to repeat a course due to an extenuating circumstance. Extenuating circumstances are verified cases of accidents, illness, or other circumstance beyond the student's control. District policy may allow a previous grade and credit to be disregarded in computing the student's GPA. [55045 (b)]
6. Special Course Repetition (56029)	No limit if conditions of 56029 met	No limit if conditions of 56029 met	District may permit a student with a disability to repeat a Special Course any number of times if it is determined that such repetition is required for that person as a disability-related accommodation. District policy may allow previous grade and credit to be disregarded in computing the student's GPA. [55040(c)(7)]
7. Extraordinary Conditions Withdrawal (55024(a)(10))	No limit if authorized by the district and extraordinary conditions met	No limit if authorized by the district and extraordinary conditions met	District policy may provide for a student to withdraw without a "W" notation if it is due to fire, flood or other extraordinary condition and the withdrawal is authorized by the district (55024, 58509), or if a district is unable to keep the college open for at least 175 days due to fire, flood, epidemic, emergency created by war, or other major safety hazard. (58146)
8. Legally Mandated Training (55041(b))	No limit if condition of 55041(b) met	No limit if condition of 55041(b) met	May be repeated for credit any number of times, "if necessary to meet legally mandated training requirements as a condition of paid or volunteered employment." [55041(b)]
9. Military Withdrawal (MW) (55024(d)(1))	No limit	No limit	A student who is on active or reserve duty in the U.S. military service who receives orders compelling withdrawal, may do so. Upon verification of orders, the MW may be assigned even if the time period established by the district for withdrawal has passed. [55024(d)(1)]

For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in BP and AP 4230 titled Grading and Academic Record Symbols. This 100-unit limit does not include units for non-degree applicable English as a Second Language or basic skills courses as defined by the Chief Student Services Officer. Students enrolled in high unit majors or programs as designated by the Chief Student Services Officer.

The District shall notify students who are placed on academic or progress probation, of the potential for loss of enrollment priority. The District shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. The District shall notify students or who have earned 75 percent or more of the unit limit, that enrollment priority will be lost when the student reaches the unit limit.

Appeal of Loss of Enrollment Priority

Students may appeal the loss of enrollment priority when the loss is due to extenuating circumstances. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student, or when a student with a disability applied for, but did not receive a reasonable accommodation in a timely manner. The Chief Student Services Officer or his/her designee will determine the appeal in his/her sole discretion.

~~These enrollment priorities will be effective in the Fall 2014 term.~~ The District will ensure that these procedures are reflected in course catalogs and that all students have appropriate and timely notice of the requirements of this procedure.

Additional local enrollment priorities have been established across the District and are reflected in the schedule of classes.

Date Approved: March 18, 2014

Edited August 21, 2018

Student Services

AP 5075 COURSE ADDS AND DROPS

References:

Title 5 Sections 55024 and 58004

Adding Courses

Students may add classes through the registration period.

After the registration period concludes, classes may only be added by formal request from the student to the instructor of record.

Withdrawals (Title 5 Section 55024)

Withdrawals, or drops, are authorized through 75% of the term. Students who withdraw or drop classes prior 20% of the term will receive no notation on their academic record.

Faculty members shall clear their rolls of inactive students no later than the end of the last business day before the census day for all students.

“Inactive students” include:

- Students identified as no-shows,
- Students who officially withdraw,
- Students who are no longer participating in the courses and are therefore dropped by the instructor.

The District must establish the number of times that a student may withdraw from a class and receive a “W.” Students will not be permitted to withdraw and received a “W” in a class more than three times. Military withdrawal (“MW”) will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt. An excused withdrawal (“EW”) will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt, nor will it be counted in progress probation and dismissal calculations. In the case of multiple withdrawals, the District offers counseling services as its intervention program.

Students may be permitted to enroll in a class after having received the maximum authorized number of “W” symbols, as long as the students will receive a grade or a non-evaluative symbol other than a “W” upon completion of the course, if the District policy permits additional withdrawals for which it does not receive apportionment and

the official designated in the District's policy approves such withdrawal after a review of a petition submitted by the student.

Date Approved: March 18, 2014
Edited August 21, 2018

Student Services

AP 5130 FINANCIAL AID

References:

Education Code Sections 66021.6 and 76300;
Title 5 Sections 58600 et seq.;
20 U.S. Code Sections 1070 et seq.;
34 Code of Federal Regulations Section 668;
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.

Financial Aid programs offered usually include:

- California College Promise Grant (formerly know as the BOG Fee Waiver)
- CalWORKS
- Cal Grants
- Federal Pell Grants
- Federal Direct Student Loan Program
- Federal Family Education Loan Program

Regulations must address at minimum:

- Application procedures, including deadlines
- Student eligibility
- Payment procedures
- Overpayment recovery
- Accounting requirements
- Satisfactory progress

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could

reasonably be expected to rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

Date Approved: March 18, 2014

Edited August 21, 2018

Student Services

AP 5300 STUDENT EQUITY

References:

Education Code Sections 66030, 66250 et seq., and 72010 et seq.;
Title 5 Section 54220

The District has a Student Equity Plan. The Plan is filed as required to the California Community Colleges Chancellor's Office, following approval by the Board.

The Student Equity Plan shall be developed, maintained, and updated under the supervision of the Chief Student Services Officer at each college.

NOTE: The California Community Colleges Chancellor's Office is working on streamlining the reporting requirements for student equity plans along with other programs. One change has been to submit information related to student equity plans to the California Community Colleges Chancellor's Office as part of an "Integrated Plan." However, because Title 5 Regulations addressing student equity plans have not been repealed, districts are still required to maintain student equity plans.

Date Approved: March 18, 2014

Edited August 21, 2018

Chabot-Las Positas Community College District

Administrative Procedure

AP 6340

Business and Fiscal Affairs

AP 6340 FORMAL BIDS AND CONTRACTS

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;
Labor Code Sections 1770 et seq.

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes.
- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

NOTE: The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651 subdivision (d); the 1/1/0718 adjustment increased the minimum for materials or supplies to \$6990,2900. The current bid minimum can be found at: http://extranet.cccco.edu/Portals/1/CFFP/Facilities/FPU_Memos/2017/FP%2017-27%202018%20Bid%20Threshold%20Adjustment.pdf.

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

Notice Calling for Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the District's web site or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the Vice Chancellor, Business Services or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Vice Chancellor, Business Services or designee shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

The Vice Chancellor, Business Services or designee shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

The Vice Chancellor, Business Services or designee shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts Awards

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

Purchase without Advertising for Bids

The Vice Chancellor, Business Services or designee is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Vice Chancellor, Business Services or designee may, without advertising for bids within the same District, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Vice Chancellor, Business Services or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Vice Chancellor, Business Services or designee may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Kindergarten-University Public Education Bond Act Projects

For projects funded by 2002, 2004, or 2006 Bond Funds, the Vice Chancellor, Business Services or designee will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7.

The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Vice Chancellor, Business Services or designee or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.

- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The Vice Chancellor, Business Services or designee shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

The formal bidding opportunities are posted on the District's Business Services/
Purchasing website under the Bidding Opportunities Header

Date Approved: March 18, 2014 Edited August 21, 2018

Chabot-Las Positas Community College District

Administrative Procedure

AP 6340

Business and Fiscal Affairs

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When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

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- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

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Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

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The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Vice Chancellor, Business Services or designee or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.

- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The Vice Chancellor, Business Services or designee shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

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Purchasing website under the Bidding Opportunities Header

Date Approved: March 18, 2014 Edited August 21, 2018

Human Resources

AP 7240 CONFIDENTIAL EMPLOYEES

References:

Government Code Section 3540.1 subdivision (c)

Confidential employees shall receive the same salary and health benefits as non-confidential employees who work under the same job titles or, in the case of classified employees, who work in the same classifications.

The salary schedule for confidential employees provides for compensation on the basis of 12 months per academic year for full-time service and will be expressed in terms of dollars for the working days in a calendar month. The schedule will be set forth in a schematic arrangement of job families, class titles, pay ranges, and salary steps. For each class of positions, there will be computed the yearly, monthly, and hourly rates. Positions established on any basis other than 12 months per year and full-time service per week will be compensated proportionately.

Step placement on the Confidential/Supervisory Personnel Classified Salary Schedule is as follows:

- A. Credit for full-time work in an occupation directly related to the confidential/supervisory classified position hired shall be allowed at the rate of one step for each complete year of full-time work experience up to a maximum of Step 5.
- B. Credit for previous related work experience for placement purposes shall not be granted for the following:
 - 1) Part-time work experience or partial years;
 - 2) Work experience as a substitute, on-the-job training, etc., in the related confidential/supervisory position to be hired.
 - 3) A confidential/supervisory employee who is promoted to a higher position will be placed at the highest step possible in accordance with Paragraph A or will be placed on the lowest step which provides a minimum five percent upward adjustment where possible within the designated pay range.

A person from within the District who first enters a confidential/supervisory position will be placed at the highest step possible in accordance with paragraph A above, unless that step is less than the person's current annual salary. If so, the individual shall start at the lowest step that avoids a loss in annual salary.

A confidential/supervisory employee who changes to a confidential/supervisory position with a lower salary range the same criteria for placement (as stated above) shall be applied.

The appropriate manager will be responsible for obtaining letter(s) of full-time work related experience prior to Board submission for hire.

An employee occupying a position for a period of no less than six months in an academic year will be advanced to the next higher step of the salary range assigned to the position class on the person's anniversary date, providing that the performance evaluation for that year has been satisfactory. With satisfactory performance evaluation, subsequent service increments shall be granted on each anniversary date until the maximum step of the employee's salary range is reached. The Board may upon recommendation of the Chancellor, withhold a service increment for less than satisfactory service, upon providing notice to the employee and for an opportunity to be heard.

The terms and conditions of employment for confidential employees shall be provided for as necessary by additional procedures developed by the Chief Human Resources Officer.

Date Approved: August 18, 2015

Edited August 21, 2018