

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
REVISIONS TO TITLE 5 REGULATIONS:
INSTRUCTIONAL MATERIALS

1. Subchapter 7 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:

Subchapter 7. Instructional ~~and Other~~ Materials

2. Section 59400 of subchapter 7 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 59400. Required Instructional ~~and Other~~ Materials.

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

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

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

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

(e) The Chancellor's Office shall adopt guidelines for districts implementing this subchapter.

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

3. Section 59402 of subchapter 7 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 59402. Definitions.

For the purposes of this subchapter the following definitions apply:

~~(a) "Instructional and other materials" means any tangible personal property which is owned or primarily controlled by an individual student.~~

(b)(a) "Required instructional ~~and other~~ materials" means any instructional ~~and other~~ materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines is necessary to

achieve ~~the~~ those required objectives of a course ~~which are to be accomplished under the supervision of an instructor during class hours.~~

~~(e)(b)~~ “Solely or exclusively available from the district” means that the instructional material is not available except through the district, or that the district requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the district if it is provided to the student at the district's actual cost and:

(1) the instructional material is otherwise generally available, but is provided solely or exclusively by the district for health and safety reasons; or

(2) the instructional material is provided in lieu of other generally available but more expensive material which would otherwise be required.

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

~~(e)~~ “Tangible personal property” ~~includes electronic data that the student may access during the class and store for personal use after the class in a manner comparable to the use available during the class.~~

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

4. Section 59404 of subchapter 7 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:

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

(a) The governing board of a community college district which requires that students provide instructional ~~or other~~ materials for a course shall adopt policies or regulations, consistent with the provisions of this subchapter, which specify the conditions under which such materials will be required. These policies and regulations shall direct instructors to take reasonable steps to minimize the cost and ensure the necessity of instructional materials.

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

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

5. Section 59406 of subchapter 7 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 59406. Report to Chancellor.

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

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

6. Section 59408 of subchapter 7 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 59408. Violations of Subchapter.

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

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