



TO: Chief Executive Officers
Chief Business Officers
Chief Instructional Officers
Chief Student Services Officers
Academic Senate for the California Community Colleges

FROM: Raul Arambula
Dean, Educational Services and Support

RE: Title 5 Emergency Withdrawal and Pass/No Pass

The purpose of this memorandum is to provide notification of changes to title 5 'Emergency Withdrawal' and 'Pass/No Pass' Regulations. The title 5 changes were made in response to concerns that arose during the COVID-19 pandemic but also to align the regulations with the Vision for Success Goals, specifically:

- Vision for Success Goal #5 – Reduce Equity Gaps, and
- Visions for Success Goal #6 – Reduce Regional Achievement Gaps.

1. Background – Emergency Withdrawal

Executive Order 2020-01, Temporary Suspension of Student Withdrawal Regulations to Address the Continuity of Education in Community Colleges During the COVID-19 Declared State of Emergency, suspended the requirement that an EW grade be considered in academic progress probation or dismissal or towards course repeatability thresholds. The executive order also suspended regulations that prohibited an excused withdrawal from counting as an enrollment attempt for apportionment purposes and regulations that required a written waiver request.

The flexibility to provide excused withdrawals then surfaced regulatory discrepancies between regulations detailing two distinct types of emergency scenarios, “extraordinary conditions” and “extenuating circumstances”.

- i. A withdrawal related to an extraordinary condition is primarily connected to external factors that can impact both the college and the student.
 - A. A classic example would be a fire that closes a campus. With respect to the student, this type of withdrawal involves a fee refund and allows for repeatability, and for the college, there is no limit on claiming apportionment, and an emergency condition allowance may apply.
- ii. A withdrawal due to extenuating circumstances is more student focused and limits repeatability and apportionment.

Chancellor's Office, Educational Services and Support

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An added complication is that the general withdrawal regulation allows for both a “withdrawal” and an “excused withdrawal,” but they have different outcomes even though they are both tied to extenuating circumstances.

The intent of the regulation changes to title 5 section 55024 is to align these two regulatory schemes to reduce confusion and administrative burdens by providing that:

- State aid and repeatability rules are the same for withdrawals under both types of emergency situations; and
- Withdrawals for extenuating circumstances are all treated as excused withdrawals.

a. **Approach to Implementation**

I. **Local Policies**

Due to the regulatory changes to title 5 section 55024, the Chancellor’s Office recommends community college districts update their local policies with the aid of local general counsel regarding ‘Emergency Withdrawal’ to ensure equitable implementation. It is important to note, documentation by the student is no longer a requirement. Implementation of the regulations is expected to begin Fall 2022.

For federal financial aid and Cal Grant (and any other financial aid program that relies upon federal Satisfactory Academic Progress (SAP) policies):

- Emergency Withdrawal (EW) grades count as attempted but not completed courses in the SAP evaluation
- EW grades affect enrollment level for federal Pell grant and Cal Grant (may apply to other Cal Grant programs as well)
- Unearned Title IV aid resulting from a Return to Title IV (R2T4) calculation must be returned

Executive Order 2020-01, Temporary Suspension of Student Withdrawal Regulations is no longer in effect.

b. **Claiming Apportionment**

I. **Background**

Recent revisions to title 5 section 58161, clarify and simplify the language describing when state general apportionment for credit courses may and may not be claimed. State general apportionment is claimed when contact hours are reported to the Chancellor’s Office through the CCFS-320 Apportionment Attendance Report. Contact hours are used to calculate the workload measure of full-time equivalent students (FTES), which are in turn used to calculate a district’s state general apportionment according to the Student Centered Funding Formula.

State apportionment for credit courses may be claimed for students enrolled on the census date. Districts may not claim apportionment for a student who previously received a satisfactory grade in the same course, unless a one-time exception applies. A district is limited to claiming apportionment for students enrolled in a credit course no more than three times. Some courses, including courses that require repetition to meet CSU or UC requirements, some intercollegiate athletics courses, and intercollegiate academic or vocational competitive courses, are designated as repeatable as described in title 5 section 55041. These courses may be repeated no more than four times for semester courses, or six times for quarter courses. If a district determines that a significant lapse of time has occurred, one additional enrollment may be claimed for apportionments. Lastly, there are no limits to claiming

Title

Title 5 Emergency Withdrawal and Pass/No Pass

January 18, 2023

apportionment if the student is enrolled in a legally mandated training class, a special class due to a disability-related accommodation, certain variable unit open entry/open exit courses, if the student is enrolled in work-experience education, or if the student is enrolled as a result of changes in an industry or licensures standard.

c. Resources for Institutional Support

I. Field Guidance

- Federal Student Aid Handbook, volume 1, chapter 1: <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2022-2023/vol1>

2. Background – Pass/No Pass

The regulatory changes to title 5, Section 55022, Pass-No Pass Grading Option stems from Executive Order 2020-02 Temporary Suspension of Various Specified Grade-Related Regulations to Address the Continuity of Education in Community Colleges During the COVID-19 Declared State of Emergency (www.cccco.edu/-/media/CCCCO-Website/Files/Communications/COVID-19/2020-02-executive-order-re-grading-policy-and-term-extensions.pdf). The executive order suspended the time restriction requirements that prevented students from electing the Pass-No Pass grading option once 30% of the course had been conducted. The executive order also suspended the requirement that No Pass grades be considered in academic probation and dismissal procedures. Colleges utilized this flexibility to enhance support for students that may have considered dropping their enrollment due to fear of a failing grade or a drop in their grade point average (GPA). Upon review of the Spring 2020 enrollment, persistence, and completion data, and the strategies utilized to support student retention, system stakeholders questioned the purpose, function, and benefit of the time constraints for selecting a Pass-No Pass grading option. Stakeholders also continued to acknowledge that community college students, who balance multiple competing priorities and demands, may find themselves in crisis outside of the COVID-19 context and choose to drop a course rather than attempt to persist due to these same concerns. The regulation changes provide students with greater grading flexibility and support student persistence during periods of time when external constraints present barriers. These changes will also assist students with preserving or maintaining their GPA.

a. Approach to Implementation

I. Local Policies

The Chancellor’s Office recommends community college districts update their local policies regarding ‘Pass/No Pass’ to ensure equitable implementation. Implementation of the regulations is expected to begin Fall 2022.

For federal financial aid and Cal Grant (and any other financial aid program that relies upon federal Satisfactory Academic Progress (SAP) policies):

- NP grades do not affect the GPA but count toward the quantitative measure (pace of progression)

Executive Order 2020-02 Temporary Suspension of Various Specified Grade-Related Regulations are no longer in effect.

For questions regarding this memorandum, contact Raul Arambula, Educational Services and Support, at ramambula@cccco.edu

Title

Title 5 Emergency Withdrawal and Pass/No Pass

January 18, 2023

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