

Proposed Revisions to Title 5, California Code of Regulations Relating to Burden-Free Access to Instructional Materials (First Reading)

This document contains underlined text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations.

ADDING NEW SECTION 54221 TO SUBCHAPTER 4 OF CHAPTER 5 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS.

§ 54221. Burden-Free Access to Instructional Materials.

(a) Governing boards shall adopt policies that ensure student access to textbooks and supplemental materials that are needed on the first day of class. Practices that enable first day access to zero-cost resources include, but are not limited to, the following:

(1) adapting or adopting open educational resources for some or all textbook and ancillary material, when the option is available; and

(2) copying initial textbook chapters as permissible within copyright.

(b) Governing boards shall adopt policies that strengthen student access to other instructional materials before their required use in any course to minimize financial and administrative burdens to students.

(c) District policies shall maintain an instructor's responsibility to choose instructional materials. District policies shall also support student-centered practices that encourage the use of zero-cost instructional materials, and leverage available resources to the maximum extent feasible, including, but not limited to, the following:

(1) developing and implementing sustainable zero-textbook-cost degrees, consistent with Education Code Section 78052;

(2) adapting open educational resources to complete degrees and career technical education certificates;

(3) adopting open educational resources for courses in which OER is commonly available and prioritizing courses needed to satisfy general education requirements;

(4) establishing lending programs and maintaining college library resources to support immediate access to course materials;

(5) developing policies that enable financial aid early disbursements consistent with 34 CFR 668.164(i);

(6) encouraging and supporting students to complete their financial aid files early to receive timely disbursement; and

(7) deploying other forms of direct aid and support program resources to strengthen student financial stability.

(d) For the purposes of this section, the following definitions apply:

(1) “Instructional materials” means all of the required materials for a course including textbooks, supplemental materials and supplies. Instructional materials do not include materials used or designed primarily for administrative purposes, class management, course management or supervision.

(2) “Textbooks” means the educational resources identified in the syllabus for the course.

(3) “Supplemental materials” means additional resources that complement the textbook and enhance the learning experience. These can include a variety of materials, such as lab manuals, workbooks, homework systems, required educational software, interactive websites, journal articles, novels, and readers.

Authority cited: Sections 70901 and 66406, Education Code. Reference: Sections 70901, 70902 and 66406, Education Code.



**NOTICE OF PROPOSED RULEMAKING
CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING
BURDEN-FREE ACCESS TO INSTRUCTIONAL MATERIALS**

45-Day Notice published September 9, 2024

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the California Community Colleges Board of Governors Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing, and consideration of all comments, objections, or recommendations received regarding the proposed regulatory action during the public comment period, which closes on October 24, 2024.

BOARD OF GOVERNORS PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors (Board) meeting on September 23, 2024. The meeting will be held in-person in San Bernardino. Members of the public may participate in-person or virtually through the streaming platform.

In-Person Participation

San Bernardino Valley College
Business Building (Room B-100)
701 S. Mt. Vernon Avenue
San Bernardino, CA 92410

[San Bernardino Valley College Maps and Directions.](#)

Virtual Participation

Information on virtual participation is available at the following link.

<https://www.cccco.edu/About-Us/Board-of-Governors/Meeting-schedule-minutes-and-agendas>

All Board meetings are held in locations that are open to the public and wheelchair accessible. Other disability-related accommodations, such as alternate media materials, sign language interpreters, or real-time transcription, may be provided to persons with disabilities upon request. Persons requesting such accommodations should notify the Board Liaison at ccastro@cccco.edu, (916) 323-5889, no less than five business days prior to the meeting.

Public Comments at the Board Meeting

Members of the public seeking to comment on the proposed regulatory action at the Board meeting should refer to the Board's agenda for information on how public comment on Board items will be received. The [Board's agendas](#) are available here: <https://www.cccco.edu/About-Us/Board-of-Governors/Meeting-schedule-minutes-and-agendas>.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on October 24, 2024. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the

modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be subject to a second 15-day notice period prior to its adoption at a subsequent Board meeting.

INFORMATIVE DIGEST

The California Community Colleges have a long-standing policy of full and open access to ensure that higher education is available and affordable for everyone. While existing infrastructure successfully delivers comparatively low tuition rates, generous tuition waivers, and some financial aid, these measures are outmatched by ever-increasing non-tuition expenses. In particular, the burden associated with accessing instructional materials required for course and program participation—textbooks, supplemental materials, and supplies—weighs heavily on students, particularly on the most marginalized, exacerbating inequity in their access to and success in higher education.

As an important strategy to advance the Board of Governors' July 2023 Resolution on Instructional Material Affordability, this regulatory action aims to prioritize the alleviation of student burdens related to acquiring required instructional materials before their required use, highlighting the importance of first day access to zero-cost resources, and institutionalizing student-centered best practices across the system. The attached Burden-Free Access to Instructional Materials draft regulation text has been updated in response to feedback provided by the Student Senate for California Community Colleges, Academic Senate for California Community Colleges, Chief Instructional Officers, Chief Student Services Officers, and the Consultation Council's comments during the May 16 and Aug. 15, 2024, meetings.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings attributable to the proposed regulatory action are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*.

Other non-discretionary cost or savings imposed on community college districts: *None*.

Cost or savings in federal funding to state agencies: *None*.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the language of the proposed regulatory action, and all of the information upon which the proposal is based, may be obtained online at:

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the September 23, 2024, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.