

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

This document contains underlined text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations. This document may also contain double underline and ~~double-strikeout~~ to indicate a new change to the text for second reading.

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 **or feasible**; 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 **and academic freedom** 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.

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**15-DAY NOTICE OF MODIFICATIONS TO PROPOSED REGULATORY ACTION
REGARDING
BURDEN-FREE ACCESS TO INSTRUCTIONAL MATERIALS**

15-Day Notice published October 28, 2024

The Board of Governors of the California Community Colleges hereby provides notice of changes to the above-referenced proposed regulatory action that was the subject of a public hearing on September 23, 2024. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to re-notice a proposed regulatory action where the proposed regulations have been previously considered, are being modified, and the modifications are substantial and sufficiently related to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

Following the 45-day comment period that ended on October 24, 2024, and the September 23, 2024, Board meeting, changes were made to this regulatory action in proposed section 54221(a)(1) and (c). The California Community Colleges Chancellor's Office will present this regulatory action to the Board of Governors at its November 18, 2024 meeting. The changes are submitted for an additional 15-day comment period effective today, October 28, 2024.

The changes to the proposed regulatory action are denoted by double underline for additions to the text and ~~double-strikeout~~ for deletions from the text.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to this 15-day notice. The Chancellor's Office will respond to comments received that are related to the revisions made to title 5, California Code of Regulations, section 54221(a)(1) and (c) after the close of the 15-day comment period. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 636
Sacramento, CA 95811-6549
Email: regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on November 12, 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 THE PROPOSED REGULATORY ACTION

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.

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.

There has been stakeholder engagement and discussion after the original regulatory action was noticed. The Chancellor's Office has made two minor and substantive changes to the section 54221, as follows:

In subdivision (a)(1), the phrase “or feasible” was inserted to clarify that district policies addressing “adapting or adopting open educational resources for some or all textbook and ancillary material” includes “when the option is available or feasible.”

In subdivision (c), the phrase “and academic freedom” was inserted to clarify that faculty maintains the academic freedom to choose instructional materials.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments 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, of 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:

Rebecca Ruan-O’Shaughnessy, Vice Chancellor
California Community Colleges
Chancellor’s Office
Regcomments@cccco.edu

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the proposed regulatory action subject to this 15-day notice are attached as noted above. 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 November 18, 2024, meeting can find a further description of the proposal and the full text of the regulations. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.