



**Executive Order:** 2021-01  
**Effective Date:** February 04, 2021

**Title:** Extension of Suspension of Various Specified Grade-Related Regulations Due to the COVID-19 State of Emergency

Executive Order 2021-01 is issued pursuant to title 5, section 52020, of the California Code of Regulations conferring on the Chancellor authority to take emergency actions, upon a written finding made in consultation with the President and Vice President of the Board of Governors, for the purpose of maintaining the continuity of educational services. This authority allows the temporary suspension of regulations adopted by the Board of Governors and the temporary suspension of local rules and regulations that are a barrier to the continuity of educational services; and the temporary establishment of procedures in order to promote the continuity of educational services.

WHEREAS, the COVID-19 state of emergency declared by the Governor on March 4, 2020 continues; and

WHEREAS, the COVID-19 pandemic and the resulting public health measures, such as required social distancing, continue to substantially disrupt instruction in the California Community Colleges; and

WHEREAS, to address these public health measures, community college districts throughout the state have converted face-to-face courses to online or alternative formats; and

WHEREAS, despite the great efforts of community college faculty to teach and students to learn in new ways, some students continue to have significant challenges adapting to new instructional methods; and

WHEREAS, students who are adversely impacted by the transition to new instructional methods should not be prejudiced by them since they were implemented for reasons beyond the students' control; and

WHEREAS, regulations of the Board of Governors that require students to make decisions about whether to take a course for a letter grade or on a pass/no pass (P/NP)



basis by a date certain, or that govern the awarding of “incomplete” or “in progress” marks, create barriers to the continuity of educational services to the extent they limit the ability of students to avoid the adverse impacts of the changes in instructional methods occasioned by the COVID-19 pandemic; and

WHEREAS, because of the ongoing nature of the COVID-19 pandemic and the potential for students to continue to withdraw from courses in large numbers remains, community college district finances remain vulnerable to the loss of students to withdrawal; and

WHEREAS, I previously issued Executive Order 2020-12 to address these issues; and

WHEREAS, Executive Order 2020-12 expired on December 31, 2020; and

WHEREAS, because the COVID-19 pandemic continues, the issues addressed by Executive Order 2020-12 remain and must continue to be addressed; and

WHEREAS, the Chancellor’s Office has consulted with representatives of the Academic Senate for California Community Colleges and the Student Senate for California Community Colleges; and

WHEREAS, the President and Vice-President of the Board of Governors have authorized the issuance of this executive order.

THEREFORE, as the Chancellor of the California Community Colleges, I declare the following:

1. The above recitals are true and correct.
2. Section 52020, of title 5 of the California Code of Regulations, authorizes me to take all appropriate actions to maintain the continuity of educational services for community college students during the period of emergency proclaimed by the Governor of the State of California on March 4, 2020, including the temporary suspension of regulations adopted by the Board of Governors and the suspension of local rules and regulations that are a barrier to the continuity of educational services; and the temporary establishment of procedures necessary to promote the continuity of educational services.



3. After consultation with affected stakeholders, including the Academic Senate for California Community Colleges and the Student Senate for California Community Colleges, I find that due to the COVID-19 pandemic, the continued need to utilize instructional methods, including but not limited to, distance learning and asynchronous educational methods, will prejudice students who are unable to fully adapt to those methods, including those students who lack sufficient resources or technologies.
4. I further find that due to the ongoing nature of the COVID-19 pandemic and the resultant budget challenges, community college district finances remain vulnerable to student withdrawals, and that unless mitigated, these conditions will negatively impact the continuity of educational services.
5. Due to the existing state of emergency, strict adherence to the following sections of title 5 of the California Code of Regulations will create barriers to the continuity of educational services as specified and are hereby temporarily suspended for the remainder of the 2021 calendar year:
  - a. Section 55022(a)(2): the requirement that students must elect to be evaluated in a course on a letter grade or on a pass/no pass basis either upon enrollment or no later than the end of the first 30 percent of the term is suspended.
  - b. Section 55022(c): the requirement that units attempted on a pass/no pass basis and for which the symbol "NP" is recorded shall be considered in probation and dismissal procedures is suspended.
  - c. Community college officials are authorized and urged to construe section 55023(c), concerning the award of non-evaluative symbols, in accordance with the guidance memorandum ESS 21-200-003 issued by the Educational Services and Support Division concurrently with this executive order.



- d. Section 55024(e)(3): an excused withdrawal may be counted as an enrollment attempt for apportionment purposes, language in subdivision (e)(3) to the contrary notwithstanding.
6. Any local district board policies or regulations in conflict with the above regulatory suspensions shall also be suspended through the end of the 2021 calendar year.
7. This executive order shall remain in full force and effect through the end of the 2021 calendar year.

A handwritten signature in black ink, appearing to read 'EOO', positioned above a horizontal line.

Eloy Ortiz Oakley, Chancellor

Dated: February 04, 2021