



Executive Order: 2022-02
Effective Date: January 11, 2022

Title: Suspension of Specified Grading-Related Regulations Due to the COVID-19 State of Emergency

Executive Order 2022-02 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, despite the widespread availability of safe and effective vaccines against the COVID-19 virus, the advent of the Delta and Omicron COVID-19 variants and societal resistance to vaccination and masking have caused the pandemic to continue, resulting in on-going public health measures and disruptions to normal California community college operations; and

WHEREAS, despite the great efforts of community college faculty to teach and students to learn in face-to-face, and in on-line or alternative formats, 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 are 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 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 Orders 2020-02, 2020-12, and 2021-01 to address these issues, and the last of these Executive Orders expired on December 31, 2021; and

WHEREAS, because the COVID-19 pandemic and the need for grading-related relief continues; and

WHEREAS, consultation regarding this executive order has been conducted with the Student Senate for California Community Colleges, the Academic Senate for California Community Colleges, the California Community Colleges Chief Instructional Officers, and the California Community Colleges Chief Student Services Officers.

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. I find that strict adherence to section 55022 of title 5 of the California Code of Regulations will create barriers to the continuity of educational services and is hereby temporarily suspended to the extent described below:
 - 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.
4. Paragraph 3.a of this executive order shall remain in effect until the pending regulatory action that will be presented to Board of Governors for adoption on January 24, 2022, takes full effect.
5. Paragraph 3.b of this executive order shall remain in effect until the end of the 2022 calendar year.
6. Any local district board policies or regulations in conflict with the above regulatory suspensions shall also be suspended for the period identified in paragraphs 4 and 5 of this executive order.

A handwritten signature in black ink, appearing to read 'ELOY ORTIZ OAKLEY', is written over a horizontal line.

Eloy Ortiz Oakley, Chancellor

Dated: January 11, 2022