

**BP 5052** OPEN ENROLLMENT

**Reference:**

Title 5 Section 51006

**NOTE:** Boards are required to adopt by resolution the statement, or a comparable one, contained in the first paragraph. If the Board has already adopted a resolution, this policy is **legally advised**, but not required.

All courses, course sections, and classes of the District shall be open for enrollment to any person who has been admitted to the college. Enrollment shall be subject to a priority system that has been established. Enrollment may also be limited to students meeting properly validated prerequisites and co-requisites, or due to other practical considerations such as exemptions set out in statute or regulation.

The Chancellor shall assure that this policy is published in the catalog(s) and schedule(s) of classes.

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**NOTE:** The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and its legal counsel. This document was reviewed during the administrative review on May 7, 2013. The language in **green ink** was added during the administrative review on June 4, 2013.

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**Date Adopted:**

*(This is a new policy recommended by the Policy and Procedure Service and its legal counsel)*

## Legal Citation for BP 5052

Cal. Admin. Code tit. 5, s 51006

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 2. COMMUNITY COLLEGE STANDARDS  
SUBCHAPTER 1. MINIMUM CONDITIONS

s 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "The policy of this district is that, unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to regulations contained in Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to Subsection (a) shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which full-time equivalent student (FTES) is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

5 CCR § 58106  
Cal. Admin. Code tit. 5, § 58106

Title 5. Education  
Division 6. California Community Colleges  
Chapter 9. Fiscal Support  
Subchapter 2. Limitations on State Aid  
\* [Article 1](#). Open Courses  
➡ **§ 58106. Limitations on Enrollment.**

In order to be claimed for purposes of state apportionment, all courses shall be open to enrollment by any student who has been admitted to the college, provided that enrollment in specific courses or programs may be limited as follows:

(a) Enrollment may be limited to students meeting prerequisites and corequisites established pursuant to section 55003,

(b) Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning or legal requirements imposed by statutes, regulations, or contracts. The governing board shall adopt policies identifying any such limitations and requiring fair and equitable procedures for determining who may enroll in affected courses or programs. Such procedures shall be consistent with one or more of the following approaches:

(1) limiting enrollment to a "first-come, first-served" basis or using other nonevaluative selection techniques to determine who may enroll; or

- (2) limiting enrollment using a registration procedure authorized by section 58108; or
  - (3) in the case of intercollegiate competition, honors courses, or public performance courses, allocating available seats to those students judged most qualified; or
  - (4) limiting enrollment in one or more sections of a course to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions; or
  - (5) limiting enrollment using any selection procedure expressly authorized by statute; or
  - (6) with respect to students on probation or subject to dismissal, the governing board may, consistent with the provisions of sections 55031 and 55032, limit enrollment to a total number of units or to selected courses, or require students to follow a prescribed educational plan.
- (c) A student may challenge an enrollment limitation established pursuant to subdivision (b) on any of the following grounds:
- (1) the enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
  - (2) the district is not following its policy on enrollment limitations;
  - (3) the basis upon which the district has established an enrollment limitation does not in fact exist; or
  - (4) any other criteria established by the district.
- (d) The student shall bear the burden of showing that grounds exists for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the district shall waive the enrollment limitation with respect to that student.
- (e) In the case of a challenge under subdivision (c)(1), the district shall, upon completion of the challenge procedure, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10. Completion of the challenge procedure shall be deemed to be an effort at informal resolution of the complaint under section 59327.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.