

Position Paper on Waivers to Mandates  
Endorsed 1993 Spring Session, Resolution 5.18

The Chancellor introduced to his Executive Council a proposal to amend Title 5 regulations. This addition would authorize the Chancellor to grant a waiver of any Title 5 mandate upon request from a district governing board if the districts have not been funded for base revenues, growth or COLA.

The Academic Senate is on record as supporting local autonomy to the extent consistent with minimum standards. However, we do believe delegating authority to the Chancellor to waive any and all provisions of Title 5 would be tantamount to the Board of Governors abdicating their statutory and fiduciary responsibility of providing leadership and directions for the Community Colleges. We are confident that the Board of Governors would agree with our view.

Many sections of Title 5 were only recently moved by the legislature from statute to Board of Governors regulations. To that end, movement on the part of the Board of Governors to decrease their commitment and efforts of enforcing Title 5 regulations would raise real questions of their good faith toward the legislature and the Academic Senate for California Community Colleges.

The Academic Senate is also on record for holding districts accountable for effectiveness rather than a multitude of specific mandates. For example, on the issue of student equity the Senate successfully argued for and the Board of Governors adopted a policy that allows for districts to address the issue from a local perspective based on the local needs and resources. The requirement to make progress for student equity goals rather than mandating specified local programs provides for some regulatory relief while ensuring the desired results of an increase in the success, access, and transfer of the students.

The prerequisites issue is another example of the Academic Senate using a more flexible approach to accomplishing minimum standards. The Academic Senate, in this issue, supports the establishment of minimum standards in lieu of prescribing very specific actions by local boards and colleges. The proposed regulations would not require detailed specifics, instead would allow the local districts to make decisions tailored to service their students so long as minimum standards and legal requirement are met.

A review of the Title 5 regulations may reveal specific areas where the Board of Governors may appropriately delegate to the Chancellor the authority to grant a waiver for a given fiscal year. In that case, the Academic Senate will cooperate in the exploration of other means of holding districts accountable for outcomes.