

DRAFT

DISTANCE EDUCATION GUIDELINES 2019

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OVERVIEW

Whether students seek transfer, career education, workforce-training, apprenticeships, English as a second language, or lifelong learning, California community colleges are versatile when meeting the needs of our students. As more students become comfortable with distance education and find the convenience of this method of instruction vital to their student success, colleges are striving to provide a robust distance education experience through guided pathways that include quality courses, student support, and the means to reach their goals. These guidelines support the success of California's broader system of higher education and workforce development as outlined in the [California Community Colleges Chancellor's Office Vision for Success](#) and [Core Commitments](#).

These Distance Education Guidelines are designed to provide overall guidance and assistance to individuals and institutions seeking to understand and apply the laws and regulations on the design, approval, conduct, and reporting of distance education within California Community Colleges.

Background

The California Community Colleges Distance Education and Education Technology Advisory Committee and staff from the Educational Services and Support Division of the Chancellor's Office jointly developed these guidelines. Input and feedback was gathered from the Telecommunication and Technology Advisory Committee, the California Community Colleges Curriculum Committee, the Academic Senate of the California Community Colleges, and the Accessibility Standards Workgroup. The California Community Colleges Chancellor's Office reviewed and edited the final version of these guidelines.

The goal of these guidelines is to help districts and colleges comply with state regulatory requirements for distance education. For clarity on the interpretation of the title 5 regulations, as revised in March 2019, colleges and districts should seek the advice of their local legal counsel. These guidelines are subject to revision by the Chancellor as deemed necessary, upon advice from relevant advisory committees and in accordance with the Board of Governors' Standing Order 409. District and college observance of these guidelines will play an important part in the continued review and evaluation of distance education activities and any subsequent revisions to the title 5 regulations.

This document displays the California Code of Regulations, title 5 section titles in bold and the text of the regulations in italics. Each regulation is followed by guidelines. The regulations

included are located within two chapters of title 5: Chapter 6, “Curriculum and Instruction” and Chapter 9, “Fiscal Support.”

Summary of Title 5 Changes

In March 2019, the Secretary of State approved the following changes to title 5 regulations for distance education as well as grammatical corrections:

Title 5 Section	Changes	Page Number
55200. Definition and Application	<ul style="list-style-type: none"> Added distance education includes when the instructor and student are separated by “time and/or” distance. Eliminated the word “communication” as a descriptor of technology Eliminated the redundant phrase “that may be imposed by” 	13
55202. Course Quality Standards	<ul style="list-style-type: none"> Changed “course” to “class” to reflect the specific instance of a course Replaced “traditional classroom courses” with “in-person class for specificity 	19
55204. Instructor Contact	<ul style="list-style-type: none"> Added that regular effective contact must occur “among students, either synchronously or asynchronously” Deleted the word “correspondence” as a method of instruction to align with the Federal definition of distance education 	20
55206. Separate Course Approval	<ul style="list-style-type: none"> Added the requirement of an addendum to the official course outline of record for new or existing courses provided through distance education Added that the addendum must include how the portion of instruction delivered via distance education meets regular effective contact and the requirements of the Americans with Disabilities Act 	22
55208. Faculty Selection and Workload	<ul style="list-style-type: none"> Added the requirement that distance education instructors be “prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements” 	24

REGULATIONS AND GUIDELINES: DISTANCE EDUCATION

The Board of Governors' approval of distance education regulations for the California Community Colleges permits colleges to explore and develop educational initiatives using advanced communication and computing technologies to address student access issues related to geographical, cultural, economic, disability or facility barriers.

California Code of Regulations, sections 55200 through 55210¹ specifically address distance education. Text of each code section, as approved in 2019, is presented here followed by the guideline for that section.

TITLE 5, SECTION 55200. DEFINITION AND APPLICATION

Distance education means instruction in which the instructor and student are separated by time and/or distance and interact through the assistance of technology. All distance education is subject to the general requirements of this chapter as well as the specific requirements of this article. In addition, instruction provided as distance education is subject to the requirements of the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d).

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code; title 29 United States Code section 794d; and title 42 United States Code sections 12100, 12101, 12102, 12103, 12131, 12132, 12133 and 12134.

Guideline for Section 55200

Distance education encompasses any method of instruction in which the student and faculty are separated by time and/or distance. These methods include video, audio recordings, video conferencing, or other passive medium. No matter how the instruction is provided to students, all courses and instructional materials must be accessible. Fully face-to-face technology-enhanced courses are not distance education.

With 95% of distance education offered via internet-based interaction in the California Community Colleges, three categories of “online” education have been defined:

- Fully Online (FO): all instruction, assessment and activities are online
- Partially Online (PO): online instruction with scheduled on-campus meetings and/or assessments

¹ Title 5, Education, Division 6. California Community Colleges, Chapter 6. Curriculum and Instruction, Subchapter 3. Alternative Instructional Methodologies, Article 1. Distance Education.

- Online with Flexible In-person component (OFI): online instruction with in-person/proctored assessment/activities at a flexible time and place

Whenever an online, partially online or OFI section requires an activity that cannot be completed online or asynchronously, that requirement should be noted in the schedule of classes.

For clarity among CCC students who may enroll in multiple colleges, it is recommended that the CCCs adopt these categories of online education for use in their college catalogs and schedules of classes.

Note that these definitions are not the same as those used for internal accounting where the 51% rule is applied. See title 5, Section 58003.

Definitions of Online in Detail:

FULLY ONLINE (FO) (also known as “100% online”) – Instruction involving regular and effective online interaction that takes place synchronously or asynchronously and is supported by online materials and activities delivered through the college's learning management system, and through the use of other required materials. All approved instructional contact hours are delivered through these online interactions. Fully online classes do not require in-person assessments or activities. If synchronous online activities are required, the schedule of classes indicates dates and times.

PARTIALLY ONLINE (PO) (also known as “hybrid”) – Instruction involving regular and effective online interaction for -any portion of the approved contact hours that takes place synchronously or asynchronously and is supported by materials and activities delivered in person and online through the college's learning management system, and through the use of other required materials. Any portion of a class that is delivered online must follow a separate approval process. The approved online portion must meet the regular and effective contact regulation. The schedule of classes indicates dates, times and locations of the required in-person components.

ONLINE WITH FLEXIBLE IN-PERSON COMPONENT (OFI) – Instruction involving regular and effective online interaction that takes place synchronously or asynchronously and is supported by online materials and activities delivered through the college's learning management system, and through the use of other required materials. Approved instructional contact hours are delivered through online interactions, supplemented by required in-person assessments or activities that are available at approved locations during a

specified range of time. The schedule of classes indicates dates, range of times and locations of all required in-person components.

Distinction Between Partially Online and Online with Flexible In-person Components

A course section in which all approved contact hours and student interaction take place online and through required in-person pre-scheduled meetings at a time certain and place certain is a Partially Online section.

A course section in which all approved contact hours and student interaction take place online and through required in-person assessments or activities that are available at a pre-approved location that may be chosen by the student during a specified range of times is an Online with Flexible In-Person Component section. Districts and colleges may decide what constitutes a reasonable range of time to provide flexibility needed to accommodate student schedules and support student success, but the recommendation is for a 7-day period during a full semester-length section. The key components are that 1) any required in-person assessments or activities take place at any pre-approved location the student may choose, (e.g. near home or work or at a remote college campus) and 2) that the assessment is available during a range of times rather than a specified time-certain, enabling a working student to choose a time and place that do not interrupt work schedules. For example, a student who lives in San Diego is enrolled in an OFI class in Sacramento which includes 4 required proctored assessments during the final week of each of the four months during the semester. The student takes instruction online and chooses a day during the final week of each month when the Proctoring Center at Mesa College in San Diego is available and takes the required assessment there.

Below are examples of course configurations and activities, and the categories under which they would fall. They are provided for clarity as examples, and are not meant to imply restrictions that course categories are restricted to these configurations only.

Examples of the Definitions for “Online”

Example of Fully Online (FO)	Examples of Partially Online (PO)	Examples of Online with Flexible In-person Component (OFI)
Online instruction with all activities and exams delivered online, whether synchronously or asynchronously.	Online instruction with required scheduled weekly meetings, or on-campus exams on scheduled days.	Online instruction with required in-person proctored exams at a proctoring location near the student and during a specified range of times. (e.g. Week of Oct. 7-13, 8 a.m. to 6 p.m.)
Online instruction with activities delivered online, with required proctored online exams.	Online instruction with requirement to attend a specified museum at a specified time as part of instruction hours.	Online instruction with required museum tour as part of instructional hours that can be accomplished at a museum near the student during a specified range of time. (e.g. Any museum of fine art during the week of Oct. 7-13)
Online instruction with required lab activities that are conducted by students remotely without physical location requirements, but which may require use of lab kits or other prescribed materials.	Required scheduled labs on a specified campus or location and/or at a specific time.	Online instruction with required lab at a collaborating college facility near the student during the college’s open lab hours during a specified range of time. (E.g. Week of Oct. 7-13, 8 a.m. to 6 p.m.)

NOTE: Fully Face-to-Face Courses That Use Technology

Although fully face-to-face courses that use technology are not considered distance education courses and do not require separate course approval, in the interest of equity and student success, the schedule of classes should specify that these technology-enhanced courses will require access to internet-connected devices. For example, a note in the schedule of classes could include:

This class is taught completely on campus with a technology-enhanced format that uses the Canvas learning management system for students to access the syllabus, assignments and quizzes. These items are not distributed in print, except where accommodations are needed through the campus disability services center. While lectures are delivered in class, lecture notes or slides and additional resources may be posted to the Canvas course site for access outside of class hours. Students will need a mobile or laptop device and internet connection to access these materials.

Accessibility

Included in title 5, section 55200 is the requirement for accessibility. Ensuring that distance education courses, materials and resources are accessible to students with disabilities is a shared institutional responsibility. Districts and colleges must provide the faculty, staff, and administrators, with appropriate resources and training to ensure their understanding and implementation of accessibility regulations as outlined in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12100 et seq.), Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), and California Government Code 11135. The accessibility requirements of Section 508 must be incorporated into the processes for development, procurement, maintenance, or use of information and communication technology by a community college district using any source of state funds.

In the professional development program for distance education faculty, college professional development programs should include a section or module on online course accessibility. Such training may include accepted best practices for electronic content accessibility and the principles of universal design for learning. Understanding these principles will allow faculty to include accessibility practices while they are creating online course materials.

The following general principles should be followed to ensure that distance education courses are accessible to students. They embody the general concepts of the law but do not provide a detailed legal analysis of the Americans with Disabilities Act (ADA) requirements. Persons using this document who are unfamiliar with the ADA, and Section 504 and 508 of the Rehabilitation Act may wish to consult district legal counsel or the college ADA Coordinator or Disable Student Programs and Services Coordinator for additional information. The [2018 California Community Colleges Accessibility Standard](#) also provides additional important information.

- 1.** All distance education instructional materials must be created utilizing principles of universal design to afford all students maximum opportunity to access distance education resources in an equally effective and integrated manner.
- 2.** Accessibility should be addressed through appropriate campus procedures as defined under title 5, section 56027.; Board Policy 3725 Information and Communications Technology Accessibility and Acceptable Use; Administrative Procedures 6365; and the California Community Colleges Information and Communication Technology and Instructional Material Accessibility Standard.
- 3.** Distance education courses, resources and materials must be designed and delivered in such a way that the academic experience is equally effective for students with or without disabilities. Students requiring academic accommodations may be directed to work with the campus resources supporting students with disabilities so they may participate fully.
- 4.** All distance education resources or materials that are purchased or leased from a third-party provider, must be accessible to students with disabilities, unless doing so would fundamentally alter the nature of the instructional activity. This also includes all course content linked, but not contained within, the course management system. Where faculty adopt third-party instructional resources not controlled by the college, steps must be taken by the college to ensure that such sites are accessible or that third-party vendors provide the same material by other accessible means.
- 5.** Consistent with directions from the Office of State Auditor in 2017 , colleges should perform an annual audit of online course materials, including third-party materials, to ensure accessibility.
- 6.** Distance education courses, resources and materials, including open educational resources, must be designed and delivered in such a way that the academic experience is equally effective for students with or without disabilities.
- 7.** The curriculum for each DE course and its associated materials and resources shall be reviewed and revised, as necessary, when the course undergoes curriculum review pursuant to title 5, sections 55002 and 55206, as part of the accreditation process. In the event that a student with a disability enrolls in a distance education course that has not been reviewed for accessibility, the district or college will be responsible for acting in a timely manner to resolve accessibility barriers.
- 8.** In the event that a discrimination complaint is filed alleging that a college has selected software and/or hardware that is not accessible for persons with disabilities, the Chancellor’s Office and the U.S. Department of Education, Office for Civil Rights

will not generally accept a claim of undue burden based on the subsequent substantial expense of providing access, when such costs could have been significantly reduced by considering the issue of accessibility at the time of initial selection.

9. In all cases, even where the college can demonstrate that a requested accommodation would involve a fundamental alteration in the nature of the instructional activity or would impose an undue financial and administrative burden, the college must provide an alternative accommodation that is equally effective for the student if such an accommodation is available.
10. The college is responsible for ensuring that distance education courses, materials and resources are accessible to students with disabilities. All college administrators, faculty and staff who are involved in the use of this instructional mode share this obligation. It is recommended that colleges assess and develop a plan to ensure resources and materials are designed and delivered in a way that is accessible for all students. The Maturity Model is suggested as a model for implementation.

Sample Text for Communicating with Students

Colleges should consider adding clarifying text to their schedule of classes, college catalogue, or anywhere else that distance education courses and programs are referenced. It may be beneficial to add it in multiple locations.

Sample note to students in college class schedule:

Taking a distance education class, whether fully or partially online, requires self-discipline, motivation, and the ability to complete required assignments on schedule. It also requires a computer or appropriate mobile device with access to a reliable Internet connection. In some cases, distance education classes may require access to other types of hardware or software, such as webcams, microphones, or online tools and resources. Please see class section notes in the schedule of classes or the instructor syllabus for more detail. If you do not otherwise have access to a computer, reliable Internet access, etc. ... [enter college instructions here]

TITLE 5, SECTION 55202. COURSE QUALITY STANDARDS.

The same standards of course quality shall be applied to any portion of a class conducted through distance education as are applied to in-person classes, in regard to the course quality judgment made pursuant to the requirements of section 55002, and in regard to any local course quality determination or review process. Determinations and judgments

about the quality of distance education under the course quality standards shall be made with the full involvement of faculty in accordance with the provisions of subchapter 2 (commencing with section 53200) of chapter 2.

NOTE: Authority cited: Section 66700 and 70901, Education Code. References: Sections 70901 and 70902, Education Code.

Guideline for Section 55202

The components in the official course outline of record (COR) apply equally to all course offerings, regardless of modality. When the COR is regularly reviewed according to the standard for approval described in title 5, section 55002 (grading policy, units, intensity, prerequisites, difficulty, and level), the DE Addendum shall also be simultaneously reviewed to assure alignment with updates in the COR, and assure compliance with title 5, section 55206 on Separate Course Approval, and with section 55200 on Accessibility.

For specific standards related to course design, interaction and collaboration, assessment, learner support, refer to the [California Virtual Campus – Online Course Design Rubric](#) as a resource. To improve further the quality of courses, a peer online course review process is recommended.

TITLE 5, SECTION 55204. INSTRUCTOR CONTACT.

In addition to the requirements of section 55002 and any locally established requirements applicable to all courses, district governing boards shall ensure that:

- a) Any portion of a course conducted through distance education includes regular effective contact between instructor and students, and among students, either synchronously or asynchronously, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, voice mail, e-mail, or other activities. Regular effective contact is an academic and professional matter pursuant to sections 53200 et seq.*
- b) Any portion of a course provided through distance education is conducted consistent with guidelines issued by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.*

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Guideline for Section 55204

Inherent in this section is the assumption that all districts and colleges have board policies on distance education pursuant to title 5, section 55206. Locally established process and procedures for separate approval are required for any course in which any portion of the instructional contact hours is scheduled to be provided through distance education in lieu of face-to-face interaction. A district and/or college must define “regular effective contact” including how often, and in what manner instructor-student interaction, and student-to-student interaction occurs.

Subdivision (a) of title 5, section 55204 stresses the responsibility of the instructor in a DE course to initiate regular contact with enrolled students. The use of the term “regular effective contact” in this context suggests that the instructor should initiate frequent interactions with all students, both individually and collectively, and that students should have frequent opportunities to ask questions and receive answers from the instructor of record. In addition, courses must be designed to include activities that require students to regularly interact with each other.

Interactions between instructor and student and among students for DE courses vary from course to course. Thus, districts and/or colleges will need to define “regular effective contact” including how often, and in what manner instructor-student interaction, and student-to-student interaction is achieved, through collegial consultation with the district or college’s academic senate.

How instructors achieve regular effective contact is an academic and professional matter, and is included in the DE Addendum for each course approved by the local curriculum committee. Local policies should establish, monitor and document minimum standards of regular effective contact. In 2018, the Academic Senate for California Community Colleges (ASCCC) suggested “colleges might most logically and productively work from a definition that combines the federal specifications with those offered by California Education Code and title 5. An inclusive definition would consider regular and effective contact to be consistent and predictable faculty-initiated interactions with students about the course content and about more than just a boilerplate assessment of student work.” Clearly defined local policies and practices for monitoring regular and substantive interaction are important for Federal Financial Aid accountability.

Instructor Contact in Noncredit Distance Education Courses

For noncredit distance education courses, meeting the requirements for instructor contact is the same as for credit courses. The distinction is that defining and tracking instructor contact is vital for calculating full time equivalency students (FTES). Documentation of the weekly student contact hours included in the FTES calculation is should consider the hours of instruction, the instructor contact hours and outside of class hours.

TITLE 5, SECTION 55206. SEPARATE COURSE APPROVAL.

If any portion of the instruction in a new or existing course is to be provided through distance education, an addendum to the official course outline of record shall be required. In addition to addressing how course outcomes will be achieved in a distance education mode, the addendum shall at a minimum specify how the portion of instruction delivered via distance education meets:

- a) Regular and effective contact between instructors and students and among students as referenced in title 5, section 55204(a), and*
- b) Requirements of the Americans with Disabilities Act (42 U.S.C Section 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. Section 749d)*

The addendum shall be separately approved according to the district's adopted curriculum approval procedures.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Guideline for Section 55206

Consistent with title 5, section 55204, a district and/or colleges must define “effective contact” including how often, and in what manner instructor-student interaction, and student-to-student interaction occur. A DE addendum for each course must document the use of “regular effective contact” and be approved through the established local curriculum process. At a minimum, the addendum must include how course outcomes and regular effective contact between instructor and student, and among students, either synchronously or asynchronously, will be achieved and how requirements of the Americans with Disabilities Act (42 U.S.C Section 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. Section 749d) will be met. As regular effective contact is an academic

and professional matter (title 5, section 55204(a)), additional guidance should be sought from the Academic Senate for the California Community Colleges (ASCCC).

The ASCCC recommends that “Online course offerings should be reviewed regularly to ensure accessibility for all students, and colleges should provide the tools and resources to accomplish this purpose.” The Online Education Committee of the ASCCC goes further to recommend that delineating the means by which the course will comply with accessibility requirements in the DE addendum helps reinforce the explicit legal requirements as outlined title 5 section 55200.

The ASCCC has indicated that a DE Addendum might include additional exemplary elements such as statements on:

1. How a student’s identity will be confirmed
2. How a student’s online readiness is assessed
3. How students will access equitable student support services
4. How instructors will work with their student support service areas, instructional designers, online administrators and others to ensure familiarity with information regarding ways to bridge all equity gaps in courses offered online; and
5. Whether instructors have assessed the use of high-quality open educational resources (OER) to help bridge the digital divide for students in the course.

Noncredit Distance Education Addendum

As with credit DE, noncredit distance education addenda must include regular effective contact and requirements for ADA and section 508 of the Rehabilitation Act. In documenting the regular effective contact in noncredit courses, careful attention should be paid to the hours of instruction, the instructor contact hours and the outside-of-class hours. Together, these hours will constitute the weekly student contact hours required for calculating FTES.

TITLE 5, SECTION 55208. FACULTY SELECTION AND WORKLOAD

- a) *Instructors of course sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the course's subject matter most appropriately falls, in accordance with article 2 (commencing with section 53410) of subchapter 4 of chapter 4, and with the list of discipline definitions and requirements adopted by the Board of Governors to implement that article, as such list may be amended from time to time.*

- b) *Instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements.*
- c) *The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered in whole or in part by distance education may include a review by the curriculum committee established pursuant to section 55002(a)(1).*
- d) *Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.*

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Guidelines for 55208

Section 55208 addresses faculty selection and workload for distance education. This section emphasizes that faculty delivering DE courses should meet the same minimum qualifications and be selected in the same manner as faculty teaching non-DE courses.

In recognition of the unique pedagogical and technical aspects of online education delivery, districts and colleges should ensure that their policies and procedures address and support the need for instructor preparation to teach in the online delivery mode.

Professional development to prepare instructors for online teaching, should include at a minimum, guidelines for:

- Regular and effective contact with students and among students,
- Equitable and culturally representative content and pedagogy,
- Varied and frequent assessments,
- LMS training/proficiency,
- Design, navigation, and content flow for intuitive access
- Accessibility in design, materials delivery, and practice.

TITLE 5, SECTION 55210. ONGOING RESPONSIBILITY OF DISTRICTS.

If a district offers one or more courses or course sections in which instruction is provided through distance education for at least 51 percent of the hours of instruction in the course or course section, the district shall:

- a) maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses offered through distance education;*
- b) provide to the local governing board, no later than August 31st of each year, a report on all distance education activity;*
- c) provide other information consistent with reporting guidelines developed by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.*

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

Guideline for Section 55210

The requirements of this section apply only where distance education is used for 51% or more of the instruction in a course or course section. Colleges offering DE courses are required regularly to report all management information system (MIS) elements to the Chancellor's Office Management Information System Division. To fulfill this MIS reporting requirement, districts will need to ensure that data regularly reported on each course session's method of instruction within data element XFO1: "Session Instruction Method" are reliably differentiated between DE and non-DE.

This section also requires districts to report annually all DE activity to their local governing board and respond to any Chancellor's Office request for data on DE. To the extent possible, local reports should compare and contrast DE to traditional instructional delivery.

In addition to reporting DE information through the Chancellor's Office MIS, districts and colleges are required to provide additional information as referenced in the Board of Governor's Standing Order 409. The Chancellor's Office may conduct surveys or other research methods to gather comprehensive DE data. The Chancellor's Office will provide formats, timelines, and details to districts and colleges on these data gathering efforts. Data

collection may be collected annually and explore institutional DE practices, outcomes, and faculty and student satisfaction with DE. Data collected will be aggregated, summarized and reported to the Board of Governors.

REGULATIONS AND GUIDELINES: ATTENDANCE ACCOUNTING FOR DISTANCE EDUCATION

TITLE 5, SECTION 58003.1. FULL-TIME EQUIVALENT STUDENT; COMPUTATION.

- a) *Pursuant to the provisions of section 58051, the units of full-time equivalent student for apportionment purposes shall be computed for courses, including those delivered by distance education under article 1 (commencing with section 55200) of subchapter 3 of chapter 6, based on the type of course, the way the course is scheduled, and the length of the course.*
- b) *The governing board of each community college district shall, for each of its colleges or its district, select and establish a single primary term length for credit courses that are scheduled regularly with respect to the number of days of the week and the number of hours the course meets each week, inclusive of holidays. The units of full-time equivalent student of credit courses scheduled coterminously with the term, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the student contact hours of active enrollment as of Monday of the weeks nearest to one-fifth of the length of the term, unless other weeks are specified by the Chancellor to incorporate past practice, by the term length multiplier, and divided by 525. The term length multiplier for attendance accounting purposes shall be determined in accordance with this chapter, provided that the maximum multiplier for semester length terms shall be 17.5 and the maximum multiplier for quarter length terms shall be 11.67.*
- c) *For credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term established pursuant to subdivision (b), or scheduled during the summer or other intersession, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the daily student contact hours of active enrollment as of the census days nearest to one fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525.*
- d) *For credit courses scheduled to meet for fewer than five days, and all credit courses scheduled irregularly with respect to the number of days of the week and the*

number of hours the course meets on the scheduled days, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by dividing actual student contact hours of attendance by 525.

- e) *For all open entry-open exit credit courses and for all noncredit courses otherwise eligible for state aid, except those described in subdivision (f), the units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525.*
- f) *For distance education courses not computed using other attendance accounting procedures described in this section and for independent study and cooperative work-experience education courses, the following alternative attendance accounting procedure shall be used:*
 - 1) *For credit courses, for purposes of computing full-time equivalent student only, one weekly student contact hour shall be counted for each unit of credit for which a student is enrolled in one of those courses. The full-time equivalent student of those courses shall be computed by multiplying the units of credit for which students are enrolled as of the census day prescribed in subdivision (b) or (c), as appropriate, for the primary term or intersession and duration for which the course is scheduled, by the term length multiplier as provided for in subdivision (b), and dividing by 525.*
 - 2) *For noncredit course sections covered by this subdivision, for purposes of computing full-time equivalent student only, weekly student contact hours shall be derived by counting the total hours of instruction or programming received by the students, plus instructor contact as defined in sections 55204 or 55234, plus outside-of-class work expected as noted in the course outline of record and approved by the curriculum committee, and dividing the total number of hours for the course thus derived by 54. Hours of instruction or programming received shall be independently verified by the instructor using a method or procedure approved by the district according to policies adopted by the local governing board as required by section 58030. Full-time equivalent student for such noncredit course sections shall be computed by:*
 - A) *multiplying the average of the number of students actively enrolled in the section as of each census date (those dates*

nearest to one-fifth and three-fifths of the length of the course section) by,

- B) the weekly student contact hours as derived above in this section, by*
- C) the primary term length multiplier of 17.5, and*
- D) dividing by 525.*

g) Notwithstanding subdivisions (b) and (c) of this section, the units of full-time equivalent student for any credit course other than independent study and cooperative work-experience education courses may, at the option of the district, be computed by dividing the actual student contact hours of attendance by 525. When a district chooses to exercise the option of computing attendance for any course section by the actual student contact hours method, such method must be used consistently for all attendance accounting for that section.

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

Guideline for Section 58003.1

Colleges compute DE Full Time Equivalent Student (FTES) using the same attendance accounting procedures regardless of the method of instruction. This section describes four attendance accounting procedures - weekly, daily, positive, and alternative.

Other essential requirements and criteria applicable to the four attendance accounting procedures continue to apply. For example, title 5 sections 58003.1(b) and (c) relative to counting the student contact hours of active enrollment in the census based attendance procedures speak of “regularly scheduled” days and hours. Also, title 5 section 58023 requires that the class (contact) hour unit for classes be not less than 50 consecutive minutes. Title 5 sections 58000 and 58030 also continue to require detailed tabulations of all course enrollment and attendance and appropriate support records. The Actual Hours of Attendance procedure (Positive Attendance) provided by title 5 section 58003.1(d) can be used if the course is irregularly scheduled and all applicable requirements are met. If the DE courses cannot meet all of the criteria applicable to the attendance procedures provided by section 58003.1(b), (c), or (d) they must be accounted for using the alternative attendance accounting procedure detailed in section 58003.1(f) and section 58009. A complete explanation of these

and other essential attendance accounting and reporting requirements are provided in the Student Attendance Accounting Manual (Chapters 1 and 3.)

Credit DE courses calculate FTES in one of four ways:

- 1. WEEKLY STUDENT CONTACT HOUR PROCEDURE (WEEKLY CENSUS):** Credit DE courses that are regularly scheduled to meet on specified days and times of the week and scheduled coterminously with the primary term can compute FTES under Section 58003.1(b). Instruction must occur each scheduled class meeting and students and instructor must be able to interact during the class session via communication technology. An example of a regularly scheduled credit DE course might be a course that meets synchronously at the same time(s) every week of the primary term.
- 2. DAILY STUDENT CONTACT HOURS PROCEDURE (DAILY CENSUS):** Credit DE courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the primary term can compute FTES under section 58003.1(c). Instruction must occur each scheduled class meeting and students and instructor must be able to interact during the class session via some sort of communication technology.
[Note: The Student Attendance Accounting Manual (Chapter 3) provides specific guidance for the “To Be Arranged” (TBA) scheduling option as applicable to Weekly or Daily Census procedure courses. Under this scheduling option, students adhere to individual schedules for meeting with the instructor as opposed to a single scheduled time for all students. However, each individual schedule continues to be based on regular weekly or daily contact hours depending on the applicable census based attendance procedure. In the case of DE courses, the regular contact could be met through online chat rooms, email discussions, or other communication technology that allows for actual interaction between the student and the instructor. Please review the Student Attendance Accounting Manual (Chapter 3) for additional guidance on the TBA scheduling option. While the TBA scheduling option is permissible for credit DE courses, it is not anticipated that this would commonly be used.]
- 3. Actual Hours of Attendance Procedure (Positive Attendance):** Credit DE courses scheduled for fewer than five days or that are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days can use the Positive Attendance procedure under section 58003.1(d). Instruction must occur each scheduled class meeting and students and instructor

must be able to interact during the class session via some sort of communication technology. If a college/district wishes to use this attendance procedure for the computation of FTES, the college/district must keep track of the actual student contact hours for the course. It is possible for some DE courses to apply to the Positive Attendance procedure. As with the weekly and daily census accounting procedures, this is an option not likely to be commonly employed for credit DE courses.

- 4. Alternative Attendance Accounting Procedure:** If a DE course is not structured so that it will qualify to use either the weekly or daily census procedure, and the college/district does not wish to keep track of actual student contact hours of attendance for the purposes of computing FTES, the college/district may choose to conduct the course using the alternative attendance accounting procedure under section 58003.1(f).

The majority of asynchronous online DE courses will likely use this alternative attendance accounting procedure as they are not regularly scheduled nor adhere to the guidelines for “to-be-arranged” (TBA) scheduling. It should be noted that there will typically be no loss of FTES when the alternative method as described in section 5803.1 (f) is employed, unless students are being granted fewer units of credit than would be typical (e.g. if students earned 3 units for a course that meets for 4 hours each week of the term).

Alternative attendance accounting can be used to calculate FTES for apportionment purposes for independent study, cooperative work experience, and most importantly in this context, also for distance education courses not computed using the other attendance accounting procedures described in this section. For credit distance education courses, this alternative method generally consists of counting one weekly student contact hour (WSCH) for each unit of credit for which a student is enrolled (an exception to this general rule is discussed below). For noncredit distance education courses, this alternative method consists of determining a WSCH factor from the quotient of the total hours of instruction or programming, plus other allowable instructor contact, plus authorized outside-of-class work expected as noted in the course outline of record, divided by 54. The resultant figure becomes the WSCH to be used when calculating census FTES for noncredit distance education courses.

The appropriate attendance procedure for the computation of FTES must be determined by considering the applicable criteria for Weekly Census, Daily Census, Positive Attendance, or Alternative Method such as one offered in a lab on campus, sections 58003.1 (b), (c), (d) or (f).

Weekly and Daily Census computations are similar and therefore have been combined for the purposes of illustration.

The following are examples of the FTES computation for a course using the Weekly/Daily Census, Positive Attendance, and Alternative Method attendance accounting procedures.

Example 1: Computation of per student FTES for a three unit course

A. Weekly/Daily Census

3 hours of weekly student contact x 17.5 weeks in semester = 52.5 hours $52.5/525 \text{ hours} = .10$
FTES

B. Positive Attendance

52.5 actual student contact hours of attendance/525 = .10 FTES

C. Alternative Method

3 units of credit x 17.5 weeks in semester = 52.5 hours $52.5/525 \text{ hours} = .10$ FTES

Example 2: Computation of FTES in a three-unit course with 20 enrolled students

A. Weekly/Daily Census

Each student would generate three hours of weekly student contact as of the census. The computation of FTES in a traditional one-unit term-length (17.5 weeks) course is:

3 hours X 20 students x 17.5 weeks = 1,050 hours

$1,050/525 = 2$ FTES

B. Positive Attendance

In this example, each student can generate a maximum of 52.5 contact hours of attendance if the student is not “absent” for any of the instruction. In this example all students were in attendance for all the hours of instruction.

52.5 total actual hours of attendance per student x 20 students = 1,050 hours

$1,050/525 = 2$ FTES. Alternative Method

The computation is based on the number of units of credit in which the student is enrolled as of the census. The computation of FTES in a three-unit term length (17.5 weeks) course is:

3 units x 20 students x 17.5 weeks = 1050 hours

$$1050/525 = 2 \text{ FTES}$$

In any of the above situations, the students will need to engage in an additional two (2) hours per week of educational activity for each one (1) hour of “lecture” time in order to meet the Carnegie Unit requirements for academic credit.

Calculating FTES for Noncredit DE Courses

Noncredit DE courses must use the Alternative Attendance accounting procedure to calculate FTES. As noncredit courses do not have units upon which to base attendance accounting, FTES derives from the average of the contact hours generated at two census points during the term and divided by 525. Enrollment at the two census points (one-fifth and three-fifths point in the length of each course is averaged. The weekly student contact hours is determined by instructional hours, outside of class hours, plus regular effective contact hours (as defined in section 55204). For noncredit courses, the record of the estimated hours of instruction for the weekly student contact component are included in the official course outline of record and the DE addendum.

Calculation for FTES

Example: if 20 students, and will be in contact with them or 20 hours, and then assign 20 out-of-class hours

5. Calculate Average Census: number of students at census one (20%) and add to census two (60%) and divide by two. This is your Average Census.
6. Calculate WSCH: (total hours of instruction + instructor contact + out of class hours), divide by 54. This is your WSCH.
7. Calculate FTES: Multiply Average Census with WSCH and term length multiplier (17.5 for semesters, 11.67 for quarters), and divide that by 525.

Noncredit FTES =		Average Census	X	Weekly Student Contact Hours (WSCH)	X	Term length multiplier
525						

Example 1: Calculating FTES for Noncredit DE

In a class with 30 hours of instruction of 25 students where two students withdraw, the average census is:

Calculate Average Census = Number of students actively enrolled at 1/5 and 3/5 census dates
 $= (25 + 23)/2 = 24$

	Date 1 = 25 students + Date 2 = 23 students		Weekly Student Contact Hours		Term length multiplier
Noncredit FTES =	48	X		X	
	Average: 48/2 = 24				
	525				

Calculate Weekly Student Contact Hours = (Total number of hours of instruction to be received by students in the class + Instructor contact hours + Number of hours expected for any outside-of-class work as noted in the approved class online)/54 = $(30 + 15 + 60)/54 = 1.94$

	24	X	(30 Hours of instruction + 15 Instructor contact hours + 60 Outside-of-class hours)/54 = 1.94	X	Term length multiplier
Noncredit FTES =					
	525				

Calculate FTES: Multiply Average Census with WSCH and term length multiplier (17.5 for semesters, 11.67 for quarters), and divide that by 525.

	24	X	1.94	X	17.5 (semester)	
Noncredit FTES =						= 1.55
	525					

TITLE 5, SECTION 58006. APPLICATION OF ACTUAL STUDENT CONTACT HOURS OF ATTENDANCE PROCEDURE

The actual student contact hours of attendance procedure is based upon a count of students present at each course meeting, and shall apply to:

- a) *All credit courses (exclusive of independent study, work experience and distance education courses computed using the alternative attendance accounting procedure described in subdivision (f) of section 58003.1) scheduled to meet for fewer than five days, or credit courses of five or more days which are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets;*
- b) *All open entry/open exit courses;*
- c) *All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (f)(2) of section 58003.1;*
- d) *The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.*
- e) *A district may use, but shall not be required to use the actual student contact hours of attendance procedure for any other credit course, exclusive of independent study and work experience education courses, which it offers.*

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

Guideline for Section 58006

This section provides additional detail concerning the positive attendance accounting procedure. It is amended to clarify the application of that procedure to distance education courses so as to conform with changes made to section 58003.1. All other provisions of the section remain unchanged.

TITLE 5, SECTION 58007. NONCREDIT COURSES.

Contact hours of enrollment in noncredit courses, except for noncredit courses using the Alternative attendance accounting procedure described in subdivision (f)(2) of section 58003.1, shall be based upon the count of students present at each course meeting. Full-time equivalent student in noncredit courses shall be computed by dividing the sum of contact hours of enrollment by 525, except for noncredit courses using the alternative attendance Accounting procedure described in section 58003.1(f)(2).

Nonresidents may be claimed for purposes of calculating full-time equivalent student only if they are living in California during the period of attendance and are otherwise eligible for such purposes as provided in this chapter.

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

Guideline for Section 58007

This section provides additional detail concerning the attendance accounting procedure to be used for noncredit courses.

The primary student attendance accounting procedure for all but DE noncredit courses consists of a count of students present at each class meeting (positive attendance) with the FTES measure being achieved by dividing that sum of contact hours by 525. For DE noncredit courses an alternative method is authorized for determining full time equivalent student attendance, as described in section 58003.1(f)(2). For purposes of determining weekly student contact hours, the procedure consists of adding together the curriculum-approved contact hours for the course (total hours of instruction or programming, including “regular effective contact” as described in section 55204) plus any outside-of-class work noted in the course outline of record, and then dividing that sum by 54. Detailed guidance applicable to this procedure is provided in the Student Attendance Accounting Manual (Chapter 3) .

TITLE 5, SECTION 58009. APPLICATION OF ALTERNATE ATTENDANCE PROCEDURE FOR INDEPENDENT STUDY, WORK-EXPERIENCE AND CERTAIN DISTANCE EDUCATION COURSES.

- a) *For independent study, cooperative work-experience and distance education courses using the attendance accounting procedure specified in subdivision (f) of section 58003.1, one weekly student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census day prescribed in section 58003.1(b) or (c), except for independent study or distance education laboratory courses. For independent study or distance education laboratory courses, weekly student contact hours shall be equivalent to those which would be generated for the same student effort in a laboratory course computed pursuant to subdivisions (b) or (c) of section 58003.1. For purposes of this section only, a “distance education laboratory course” means a distance education course which consists partly or exclusively of laboratory work.*
- b) *For credit courses, full-time equivalent student in courses described in subdivision (a) offered during primary terms is computed by multiplying the weekly student contact hours authorized pursuant to subdivision (a), generated as of the census*

date prescribed in section 58003.1(b) by the term length multiplier as provided for in section 58003.1, and dividing by 525.

- c) For noncredit courses described in subdivision (a), full-time equivalent student is computed on a census basis as prescribed in section 58003.1(f)(2).*
- d) Full-time equivalent student in credit courses described in subdivision (a) which are conducted during a summer or other intersession is computed by multiplying the weekly student contact hours, authorized pursuant to subdivision (a) of this section, generated in each course, by a course length multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such courses conducted in the primary terms, and dividing by 525.*

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

Guideline for Section 58009

This section provides detail about distance education courses that contain a lab component. Weekly Student Contact Hours (WSCH) in credit distance education laboratory courses shall be determined by counting student contact hours in the same manner as in credit non-distance education laboratory courses (e.g., the contact hours that would have been generated had the course been taught on campus). Non-laboratory credit distance education courses using the alternative attendance accounting procedure must still determine WSCH based on the number of units of credit. For purposes of this provision only, a “distance education laboratory course” means a distance education course which consists partly or exclusively of laboratory work. The following are examples of the FTES computations for a credit distance education laboratory course using the alternative attendance accounting procedure.

Example 1: Computation of a 1 unit distance education laboratory course (semester length course)

3 WSCH to represent the contact hours that would have normally been generated had the 1-unit laboratory course not been on the alternative attendance accounting procedure – 3 WSCH x 30 students x 17.5 Term Length Multiplier (TLM) = 1,575 hours 1,575/525 = 3.0 FTES.

Example 2: Computation of a 1 unit distance education laboratory course (short term course)

3 WSCH to represent the contact hours that would have normally been generated had the 1-unit laboratory course not been on the alternative attendance accounting procedure and had actually been conducted during a primary term – 3 WSCH x 30 students x 17.5 TLM*

= 1,575 hours 1,575/525 = 3.0 FTES.

* Section 58009(d) allows districts to use a course length multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such courses conducted in the primary term. In this example, the course length multiplier used is 17.5 even though the shortened term is only 8 weeks in length).

FTES for noncredit distance education laboratory courses shall be computed on a census basis as prescribed in section 58003.1 (f)(2).

See Guideline for section 58003.1 for additional information concerning the alternative attendance accounting procedure.

TITLE 5, SECTION 58051. METHOD FOR COMPUTING FULL-TIME EQUIVALENT STUDENT (FTES).

(a)(1) Except as otherwise provided, in computing the full-time equivalent student of a community college district, there shall be included only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the district authorized to render service in the capacity and during the period in which he or she served.

(2)(A) A community college district may also include the attendance of students enrolled in approved courses or programs of independent study who are under the supervision, control, and evaluation, but not necessarily in the immediate presence, of an academic employee of the district who is authorized to render such service.

(B) The community college district shall determine the nature, manner, and place of conducting any independent study courses or program in accordance with the requirements of this section and article 3 (commencing with section 55230) of subchapter 3 of chapter 6.

(C) Each district conducting independent study courses shall ensure that the components of each independent study course or program for each student shall be set out in a written

record or program, including the number of units (if applicable) and hours of study required, the arrangements for consultation with the instructor, and the work product to be evaluated.

(3) A community college district may also include the attendance of students enrolled in approved distance education in accordance with the provisions of article 1 (commencing with section 55200) of subchapter 3 of chapter 6.

(b) For the purpose of work-experience education programs meeting the standards of the Carl D. Perkins Career Technical Education Act of 2006 California State Plan (or any successor agreement related to career technical education), “immediate supervision” of off-campus work training stations means student participation in on-the-job training as outlined under a training agreement, coordinated by the community college district under a state-approved plan, wherein the employer and academic school personnel share the responsibility for on-the-job supervision. The student/instructor ratio in the work-experience education program shall not exceed 125 students per full-time equivalent academic coordinator.

(c) For purposes of computing the full-time equivalent student of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. However, prerequisites for the courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.

(d) Notwithstanding subdivision (c) and any regulations related thereto, a community college may give preference in enrollment to persons who are employed by, or serving in a voluntary capacity with, a fire protection or fire prevention agency in any course of in-service fire training at the community college in cooperation with any fire protection or fire prevention agency or association. Preference shall only be given when such persons could not otherwise complete the course within a reasonable time and when no other training program is reasonably available. At least 15 percent of the enrollment in in-service fire training courses shall consist of persons who are neither volunteers of, nor employed by, a fire protection or fire prevention agency or association, if the persons are

available to attend a course. Full-time equivalent student for the courses may be reported for state aid.

(e) Subdivision (d) shall apply only to the following:

(1) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, have been, as of January 1, 1980, the primary source of in-service fire training for any fire protection or fire prevention agency or association.

(2) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, establish in-service fire training for any fire protection or fire prevention agency or association which did not have in-service fire training, prior to January 1, 1980.

(f) In the event that in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(g) As a condition of claiming state apportionment, in addition to all other applicable apportionment eligibility requirements, for in-service training courses in the areas of police, fire, corrections, and other criminal justice occupations, community college districts conducting in-service training courses must adhere to all applicable conduct of course and student attendance tracking requirements prescribed by law and/or the state public safety agency responsible for adopting training standards in the in-service training course area in which the student is licensed, certified or employed. For purposes of claiming state apportionment, the units of full-time equivalent student shall be computed for courses consistent with the provisions of section 58003.1(a).

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

Guideline for Section 58051

Subdivision (a)(3) allows the inclusion of all courses offered through distance education as eligible for FTES apportionment.

TITLE 5, SECTION 58056. IMMEDIATE SUPERVISION AND CONTROL

(a) Subdivision (a)(1) of section 58051 requires, as a condition for claiming attendance for apportionment purposes, the immediate supervision and control of an academic employee authorized to render service in a capacity and during the period in which he or she served. Immediate supervision and control requires the presence of the authorized employee. More specifically, immediate supervision or presence is characterized by all of the following:

(1) The authorized employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and

(2) The authorized employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and

(3) The authorized employee is not to have any other assigned duty during the instructional activity for which attendance is being claimed. The criteria specified above are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

(b) Under the following limited circumstances, attendance of students enrolled in a course or program which does not meet the requirements of subdivision (a) shall qualify for apportionment purposes if:

(1) The course or program is approved and being conducted as distance education in accordance with article 1 (commencing with section 55200) of subchapter 3 of chapter 6; or

(2) The course or program is approved and being conducted as independent study in accordance with subchapter 4 (commencing with section 55300) of chapter 6; or

(3) The course or program is approved and being conducted as work experience education in accordance with article 4 (commencing with section 55250) of subchapter 3 of chapter 6 of this part; or

(4) The course or program is approved and is being conducted as health sciences education in accordance with section 58055(a).

(c) Attendance generated solely under an instructional assistant or aide does not qualify for apportionment. In addition, instructional aides shall not be used to increase the

number of students in relation to the number of classroom instructors in the district. However, attendance may qualify for apportionment under the following limited circumstances:

(1) The assistant or aide functions under the exclusive direction of the authorized employee assigned to that educational activity, and not independently; and

(2) The assistant or aide performs only those duties specifically authorized by law, including, but not limited to, sections 88240-88249 of the Education Code; and,

(3) The authorized employee is able, in terms of physical proximity and range of communication, to provide necessary supervision and control of students, so that by working in conjunction with the assistant or aide, the requirements of subsection (a) of this section are met.

Note: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

Guidelines for Section 58056

This section addresses the requirement that students must be under the supervision of an instructor attending an on-campus course. Section 58056 exempts DE courses from the immediate supervision and control requirement.

REGULATIONS AND GUIDELINES: ADDITIONAL REQUIREMENTS

TITLE 5, SECTION 58170. APPORTIONMENT FOR TUTORING

[LIMITATIONS ON STATE AID]

Apportionment may be claimed for individual student tutoring only if all the following conditions are met:

(a) The individual student tutoring is conducted through a designated learning center.

(b) The designated learning center is supervised by a person who meets the minimum qualifications prescribed by section 53415.

(c) All tutors successfully complete instruction in tutoring methods and the use of appropriate written and mediated instructional materials, including supervised practice tutoring. This requirement may be waived by the chief instructional or student services officer on the basis of advanced degrees or equivalent training. Academic credit and apportionment for coursework in tutoring methods for purposes of this section shall be limited to two semester or three quarter units of credit, or 96 noncredit hours. All tutors shall be approved by a faculty member from the discipline or disciplines in which the student will tutor.

(d) All students receiving individual tutoring have enrolled in a noncredit course carrying Taxonomy of Programs number 4930.09, which is entitled "Supervised Tutoring."

(e) Students enroll in the Supervised Tutoring course, through registration procedures established pursuant to section 58108, after referral by a counselor or an instructor on the basis of an identified learning need.

(f) An attendance accounting method is established which accurately and rigorously monitors positive attendance.

(g) Student tutors may be remunerated but may not be granted academic credit for tutoring beyond that stipulated in (c) above.

(h) The district shall not claim state apportionment for tutoring services for which it is being paid from state categorical funds.

Note: Authority cited: Sections 70901 and 84500, Education Code. Reference: Sections 70901, 84500 and 87356, Education Code.

Guideline for Section 58170

In order for a college to collect noncredit apportionment for students providing tutorial assistance to other students, the tutoring must be conducted through a designated learning center under the supervision of a qualified faculty member who has earned a

Master's Degree in one subject matter being tutored or in education/ instructional psychology/ or other disciplines with an emphasis in adult learning theory, as detailed in Title 5, section 53415. Primarily, students who conduct tutoring are those who have received instruction in tutoring methods and who may use appropriate mediated instructional materials.

Academic credit and apportionment for coursework used to train tutors in tutoring methods is limited to two semester units of credit (three quarter units of credit), or 96 non- credit course hours. Prospective tutors with advanced degrees and equivalent training are not required to complete additional training preparation, although faculty from the discipline or disciplines in which the tutoring is needed must approve all tutors, irrespective of their prior education or experience.

A counselor or an instructor, on the basis of an identified learning need, must refer all students seeking tutoring. Students cannot refer themselves for tutoring. Tutees must enroll in a noncredit Supervised Tutoring course carrying the Taxonomy of Programs number 4930.09. To enroll, students must follow normal registration procedures consistent with Title 5, section 58108. No registration procedure shall be used that results in restricting enrollment to a specialized clientele.

A tutorial center may offer tutoring assistance between a tutor and tutee when they are separated by distance and are using online or other synchronous “real time” technologies such as videoconference, web conference, audio conference, etc. When the tutor and tutee are separated such that one or the other is not physically present in the tutoring center, the supervisor must be able to monitor the communication and a mechanism must be in place to accurately track positive attendance hours. If both the tutor and tutee are not physically present in the tutorial center, the district must ensure and be able to document, if audited, that the supervisor was actually able to, and did, monitor the interaction of the tutoring session.

TITLE 5, SECTION 59402. DEFINITIONS [INSTRUCTIONAL AND OTHER MATERIALS]

For the purposes of this subchapter the following definitions apply:

(a) “Required instructional materials” means any materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines is necessary to achieve the required objectives of a course.

(b) “Solely or exclusively available from the district” means that the instructional material is not available except through the district, or that the district requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the district if it is provided to the student at the district's actual cost and:

(1) the instructional material is otherwise generally available, but is provided solely or exclusively by the district for health and safety reasons; or

(2) the instructional material is provided in lieu of other generally available but more expensive material which would otherwise be required.

(c) “Required instructional materials which are of continuing value outside of the classroom setting” are materials which can be taken from the classroom setting, and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course which are to be accomplished under the supervision of an instructor during the class.

Note: Authority cited: Sections 66700, 70901 and 76365, Education Code. Reference: Sections 70901, 70902 and 76365, Education Code..

Guideline for Section 59402

This regulation allows districts, under certain circumstances, to charge students instructional materials fees for access to instructional materials in electronic form.

If students are to be charged for electronic media, the materials should have a continuing educational value to students. The continuing educational value could be in the form of the electronic course content being equivalent to a textbook, study guide, solutions instructional manual, or test bank that students have access to beyond the class session for which the instructional materials were purchased. Additionally, the text, lessons, and problem

materials should be readily printable to hard copy to serve as a permanent record, should the student desire to retain a copy of the instructional materials. If the student can print and/or save materials accessed that are of continuing educational value, charging students for access codes is permissible. On the other hand, it is not permissible to charge students for internet access or for access to a research database.

OTHER REQUIREMENTS RELATED TO DISTANCE EDUCATION

CALIFORNIA EDUCATION CODE

Cross-Enrollment in Online Education Between Campuses of the California Community Colleges

Added by statute in 2017, Education Code Section 66770-66773.5 addresses inter-district cross-enrollment through the online course exchange. This section defines the roles and responsibilities of a “home college” and a “teaching college,” sets the criteria for a student who is cross-enrolling, and methodology for coordinating the exchange of data and records.

AUDIT REQUIREMENTS

Distance education courses are subject to federal, state and district audits. The following audit tests from the Contracted District Audit Manual reference distance education.

Audit Test 424: State General Apportionment Funding System

This audit test verifies that the district used the appropriate attendance accounting procedure for courses reported for apportionment in accordance with California Code of Regulations, title 5 section 58003.1 et seq. This test also assesses if the district reported the contact hours in each attendance accounting procedure accurately. Details are included on how hybrid distance education courses fall under the Alternative Attendance Accounting Procedure.

Audit Test 425: Residency Determination for Credit Courses

For credit DE courses involving cross-enrolled students, the teaching college must have on file a signed consortium agreement to accept a home college’s determination of a student’s residency.

Audit Test 435: Open Enrollment

1) To comply with the open enrollment requirements, two-way synchronous distance education conducted between fixed locations are considered “open” and eligible for

apportionment if at least half of the sites are open to all students (Title 5 sections 58051(d) and 58051.5(a)(3)). Districts will have to demonstrate the following: Sample the class announcements of classes claimed for state apportionment to ensure that all classes were open to all admitted students unless specifically exempted. Ensure that classes conducted off campus are included in the items tested, if applicable.

- 2) Ensure all classes included in the above sample are located in facilities clearly identified in such a way to ensure that attendance is open to all admitted students unless exempted by statute. For example, ensure classes offered at a high school campus are scheduled at times that the high school campus is open to the public.
- 3) Test a sample of classes to ensure that all classes were in the college catalog and in the class schedule for the term offered. There should be a clear and understandable description of each class.
- 4) Verify in-service training courses meet apportionment attendance and study requirements. Include samples of police, fire, corrections, and other criminal justice system courses offered at the district.