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| **STATE OF CALIFORNIA** | **ELOY ORTIZ OAKLEY, CHANCELLOR** |
| **California Community Colleges**  **chancellor’s Office**  1102 Q street, Suite 4554  Sacramento, Ca 95811-6539  (916) 445-8752  <http://www.cccco.edu> | ccc_logo_color |

**Date:** March 23, 2018 Memorandum # AA 18-11

**To:** Distance Education Coordinators, Chief Instructional Officers, Chief Student Services Officers, Chief Executive Officers, Chief Business Officers, Statewide Academic Senate, Statewide Student Senate, and Other Interested Groups

**From:** LeBaron Woodyard, PhD, Dean

Academic Affairs Division

**Subject:** California Code of Regulations (CCR) title 5 Proposed Changes Related to Distance Education

**Synopsis**: The Chancellor’s Office through its Distance Education and Educational Technology Advisory Committee (DEETAC) completed a review of California Code of Regulations (CCR) title 5 related to distance education. The DEETAC is comprised of members from a wide variety of constituent groups including faculty, chief instructional officers, chief student services officers, chief executive officers, students, and other staff and administrators (Attachment 1). After an extensive period of discussion, the DEETAC has identified a set of regulatory changes (Attachment 2) for which it is seeking advisory public comment before submitting the proposed changes into the formal regulatory review process. The advisory public comment period of the DEETAC is open until April 6, 2018.

**Requested Action/Timeline:** To provide advisory public comment to the DEETAC on the proposed regulations please review the changes in Attachment 2 of this memorandum. After your review, you may enter your comments into an online comment form by clicking on the link below and going to the section, you wish to provide comment. Based on the comments received these proposed regulations will enter the formal regulatory review process and be presented in Consultation on May 17, 2018 and the Board of Governors at its July 2018 meeting for first reading and public hearing. Please provide any comment as soon as possible but no later than April 6, 2018.

To provide your comments please click on the following link: [Click here to provide comments on the CCR title 5 changes related to distance education.](https://www.surveygizmo.com/s3/4268060/title5changesforDE)

If you have any questions please contact Erin Larson at [elarson@cccco.edu](mailto:elarson@cccco.edu) or by telephone at (916) 327-0067.

Attachment 1 – DEETAC Membership

Attachment 2 – Proposed CCR title 5 Changes

ATTACHMENT 1

Distance Education and Educational Technology Advisory Committee (DEETAC) Membership

| Organization | Designee | College | email |
| --- | --- | --- | --- |
| Chief Instructional Officers of the California Community Colleges | Corey Marvin | Cero Coso Community College | [cmarvin@cerrocoso.edu](mailto:cmarvin@cerrocoso.edu) |
| Chief Executive Officers of the California Community Colleges | Nabil Abu-Ghazaleh | President, Grossmont College | Nabil.Abu-Ghazaleh@gcccd.edu |
| California Community College Chief Student Service Administrators Association | VACANT |  |  |
| Academic Senate of the California Community Colleges | Kathy O'Connor | Santa Barbara City College | [oconnork@sbcc.edu](mailto:oconnork@sbcc.edu) |
| Academic Senate of the California Community Colleges | Greg Beyrer | Cosumnes River College | [beyrerg@crc.losrios.edu](mailto:beyrerg@crc.losrios.edu) |
| Academic Senate of the California Community Colleges | Conan McKay | Mendocino College | cmckay@mendocino.edu |
| California Community Colleges Distance Education Coordinators | Jodie Steeley | Fresno City | [Jodie.steeley@fresnocitycollege.edu](mailto:Jodie.steeley@fresnocitycollege.edu) |
| California Community Colleges Distance Education Coordinators | Joanna Miller | Moorpark College | [JoannaMiller@vcccd.edu](mailto:JoannaMiller@vcccd.edu) |
| Student Success and Support Program | VACANT |  |  |
| Council of Chief Librarians | Kenley Neufeld | Santa Barbara City | [neufeld@sbcc.edu](mailto:neufeld@sbcc.edu) |
| Online Education Initiative | Lisa Beach | Santa Rosa | [lbeach@santarosa.edu](mailto:lbeach@santarosa.edu) |
| California Association of Postsecondary Education and Disability | Thad Selmants | Sierra College | [tselmants@sierracollege.edu](mailto:tselmants@sierracollege.edu) |
| Research and Planning Group | VACANT |  |  |
| Chief Information Systems Officers Association | Joe Moreau | College of the Canyons | [moreaujoseph@fhda.edu](mailto:moreaujoseph@fhda.edu) |

CCCCO Resources:

LeBaron Woodyard, Ph.D. Academic Affairs;

Erin Larson, AA, EPPD Unit;

Russell Grant, TRIS;

Linda Vann, Student Services

ATTACHMENT 2

**PROPOSED CHANGES TO TITLE 5 DISTANCE EDUCATION REGULATIONS §§ 55200 - 55210**

Barclays Official California Code of Regulations

Title 5. Education

Division 6. California Community Colleges

Chapter 6. Curriculum and Instruction

Subchapter 3. Alternative Instructional Methodologies

Article 1. Distance Education

**§ 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 ~~communication~~ 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 that may be imposed by 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).

**§ 55201. Policies for Prerequisites, Corequisites, and Advisories on Recommended Preparation. [Repealed]**

**§ 55202. Course Quality Standards.**

The same standards of course quality shall be applied to any portion of a class ~~course~~ conducted through distance education as are applied to ~~traditional classroom courses~~ 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.

**§ 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~~ and substantive interaction 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, ~~correspondence~~, voice mail, e-mail, or other activities. Regular ~~effective contact~~ and substantive interaction 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.

**§ 55205. Definition and Application. [Repealed]**

**§ 55206. Separate Course Approval.**

If any portion of the instruction in a new ~~proposed~~ or existing course ~~or course section~~ is ~~designed~~ to be provided through distance education, ~~in lieu of face-to-face interaction between instructor and student~~, 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:

* Regular and substantive interaction between instruction and students and among students as defined in title 5,§ 55204(a), and
* Requirements imposed by 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. § 749d)

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

**§ 55207. Course Quality Standards. [Repealed]**

**§ 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 the in specific distance education delivery method in alignment 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.

**§ 55209. Course Quality Determinations. [Repealed]**

**§ 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.

**PROPOSED CHANGES TO TITLE 5 Limitations on Enrollment § 58106**

Barclays Official California Code of Regulations

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.

    (7) for courses offered in the online course exchange, the teaching college may limit enrollment to only students from any California community college that is designated as a home college as defined by Education Code Section 66770.