

**California Community Colleges
Chancellor's Office
Contract Guide for Instructional Service Agreements between
College Districts and Public Agencies**

Community colleges may claim FTES and consequently, State funding for classes given through instructional service agreements/contracts provided Education Code and Title 5 requirements are met. The regulations are contained in Title 5 of the California Code of Regulations, Sections 51006, 53410, 55002, 55005, 55230-232, 55805.5, 58051(c) – (g), 58051.5, 58055, 58056, 58058(b), 58100-58106 and Education Code Section 78015.

This guide paraphrases applicable sections of Title 5 and applies only to classes conducted in a cooperative arrangement with public agencies. The following checklist should be used as a guide in the preparation of agreements or contracts:

1. ___ The governing board of a community college district, prior to establishing a vocational or occupational training program, shall conduct a job market study of the labor market area, and determine whether or not the results justify the proposed vocational education program. Education Code Section 78015.
2. ___ The college or district has a written agreement or contract with the contractor stating the responsibilities of each party and that the college or district is responsible for the educational program conducted on site.
3. ___ The agreement/contract contains procedures, terms and conditions relating to 1) enrollment period; 2) student enrollment fees; 3) the number of class hours sufficient to meet the stated performance objectives; 4) supervision and evaluation of students; and 5) withdrawal of students prior to completion of a course or program.
4. ___ Agreement/contract contains terms and conditions relating to cancellation and termination of the arrangement.
5. ___ Instruction to be claimed for apportionment under the agreement/contract, is under the immediate supervision and control of an employee of the district (Title 5, Section 58058) who has met the minimum qualifications for instruction in vocational subject in a California community college.
6. ___ Where the instructor is not a paid employee of the district, the college or district has a written agreement or contract with each instructor conducting instruction for which FTES are to be reported and stating that the college or district has the primary right to control and direct the instructional activities of the instructor.

NOTE: The college or district must demonstrate control and direction through such actions as providing the instructor an orientation, instructor's manual, course outlines, curriculum materials, testing and grading procedures, and any other materials and services it would provide to its hourly instructors on campus.

7. ___ The college or district lists minimum qualifications for instructors teaching these courses and that the qualifications are consistent with requirements in other similar courses given at the college or district.
8. ___ The course must be held at facilities which are clearly identified as being open to the general public. (Title 5, Section 58051.5) Enrollment in the course must be open to any person who has

been admitted to the college and has met any applicable prerequisites. (Title 5, Sections 51006 and 58106)
The district policy on open enrollment must be published in the college catalogue, schedule of classes, and any addenda to the schedule of classes, (Title 5, Section 51006), along with a description of the course and information about whether the course is offered for credit and is transferable. (Title 5, Section 55005)

9. ___ Degree and certificate programs must have been approved by the State Chancellor' s Office and courses that make up the programs must be part of the approved programs, or the college must have received delegated authority to separately approve those courses locally.
10. ___ The courses of instruction are specified in the agreement, the outlines of record for such courses and are approved by the college' s curriculum committee as meeting Title 5 course standards, and the courses have been approved by the district board of trustees.
11. ___ Procedures used by the college to assure that faculty teaching different sections of the same course, teach in a manner consistent with the approved outline of record for that course are applied to courses and faculty covered under the agreement and students are held to a comparable level of rigor.
12. ___ Records of student attendance and achievement will be maintained by the public agency. Records will be open for review at all times by officials of the college and submitted on a schedule developed by the community college district.
13. ___ It is agreed that both contractor and community college district will insure that ancillary and support services are provided for the students (e.g. Counseling and Guidance, Placement Assistance).
14. ___ The college district must certify that it does not receive full compensation for the direct education costs of the course from any public or private agency, individual or group.
15. ___ The college district is responsible for obtaining certification verifying that the instructional activity to be conducted will not be fully funded by other sources.*
16. ___ If the classes are to be located outside the boundaries of the district, the district must comply with the requirements of Title 5, Sections 55230-55232 concerning approval by adjoining high school or community college districts and use of non-district facilities.

**In accordance with AB 444 (Statutes of 1996, Chapter 637) effective 9/16/96, Title 5, Section 58051.5 was amended to include appropriate language to implement Education Code Section 84752.*