



**TO:** Chief Executive Officers  
Chief Instructional Officers  
Chief Student Services Officers  
Distance Education Coordinators

**FROM:** Marty J. Alvarado  
Executive Vice Chancellor, Educational Services & Support

**RE:** Distance Education Faculty Preparation and COVID-19

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The COVID-19 pandemic and the required social and physical distancing has necessitated a switch from in-person instruction to online distance education through at least the fall 2020 semester at all 114 community college campuses. This change in the delivery of instruction has prompted questions from the field regarding online instruction and the required preparation on the part of faculty. This memo generally outlines state regulatory requirements for faculty engaged in distance education, which includes instruction during the COVID-19 crisis, as well as professional development for faculty at colleges that elect to file a 2020 Fall Distance Education Emergency Blanket Addendum.<sup>1</sup> However, the decision to engage in distance education in the first instance, and the method of delivery, is a local decision, whether it takes place during or after the COVID-19 pandemic. District representatives should work with faculty to ensure that local policies are understood and followed. Related employment issues are also local in nature and may be resolved through the districts' respective collective bargaining agreements.

**State Regulatory Requirements (Title 5, California Code of Regulations)**

There are certain state regulatory requirements that address distance learning during the standard fall, spring, and summer community college terms. These regulatory standards *have not* been temporarily suspended or waived due to the COVID-19 pandemic, and districts should continue to follow these requirements in addition to their local policies and collective bargaining agreements. For example, with respect to the selection and workload of faculty for distance education, title 5, section 55208 requires that faculty be prepared to teach distance education and outlines the faculty selection and student assignment processes. Section 55208 states:

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<sup>1</sup> ES 20-21 June 9, 2020, supersedes ES 210-12 March 31, 2020

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- (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.* [Emphasis added.]

In addition, districts and faculty should be aware of state regulatory requirements that govern student-faculty contact in the context of distance education. Title 5, section 55204(a) states:

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.

### 2020 Fall Distance Education Emergency Blanket Addendum (ES 20-21)

Title 5, section 52020 gives the state Chancellor the authority “to take all appropriate actions . . . to allow the continued education of community colleges students” during the COVID-19 emergency as declared by the Governor. To foster and accommodate distance education due to

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the pandemic during the Fall 2020 term, colleges may request as an alternative to the standard local process for distance education through the above noted addendum. The addendum requires, among other things, a plan for ongoing professional development for faculty and staff for converting to online instruction. This ongoing professional development plan is a submission requirement, not a title 5 regulation requirement, and is designed to reinforce the ongoing support for campuses experiencing a rapid and scaled transition to distance education due to COVID-19 and only applies to campuses requesting an emergency blanket addendum, and only for the duration of the approved blanket addendum.

For questions regarding this memo, contact Vice Chancellor Aisha Lowe at [alowe@cccco.edu](mailto:alowe@cccco.edu) or Program Specialist, Erin Larson at [elarson@cccco.edu](mailto:elarson@cccco.edu).

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