



**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING
CORRESPONDENCE EDUCATION**

15-Day Notice published October 28, 2020

The Board of Governors of the California Community Colleges hereby provides notice of changes to the above-referenced proposed regulatory action that was the subject of a public hearing on September 21, 2020. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to re-notice a proposed regulatory action where the proposed regulations have been previously considered, are being modified, and the modifications are "sufficiently related" to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

Following the 45-day comment period that ended on October 23, 2020, and following the September 21, 2020 Board meeting, changes were made to this regulatory action in proposed section(s) §55260, §55262, §55263, §55264, §55265, and §55266. The California Community College Chancellor's Office will present the regulatory action to the Board of Governors at its November 16, 2020 meeting. The changes are submitted for an additional 15-day comment period effective today, October 28, 2020. Comments must be received prior to 4:00 p.m. on November 12, 2020.

The Chancellor's Office proposes additional changes to the proposed regulatory action. The changes from the original noticed regulations are denoted by double bold underline and/or double bold strikeout, as indicated below.

Title 5, section(s): Article 5

§55260. Correspondence Education Definition and Application.

Correspondence Education means education provided through one or more courses by a community college or district under which the college or district provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited due to separation, but ~~as is not regular and substantive, as possible under the circumstance and may be~~ and is primarily initiated by both the student and the instructor. Correspondence courses are typically self-paced, although a regular cycle of assignment submissions and delivery of feedback should be established for facilitated learning. If a course is part correspondence and part residential training, it is considered a correspondence course. Correspondence education is not distance education.

§ 55261. Correspondence Education Course Quality Standards.

The same standards of course quality shall be applied to any portion of a class conducted through correspondence 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. The requirements of section 55002 and subchapter 2 of chapter 4 apply to the development of correspondence courses.

§55262. Correspondence Education 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 correspondence education ~~should include regular effective asynchronous contact between instructors and students, if possible, to facilitate learning. This~~ should be established through a cycle of assignment submissions ~~and delivery of substantive feedback~~ and comprehensive, responsive feedback as determined by local policy. A student's enrollment in a correspondence course in no way diminishes the instructor(s) responsibility to ensure that each student receives ongoing support toward making meaningful academic progress. Students participating in courses conducted through correspondence education shall also have access to student support services, including counseling, library services and research assistance, and tutoring or learning support, via mail, email, telephone, or in-person dependent on local practice. Determinations and judgments about the quality of

correspondence education under the course quality standards shall be made with the full involvement of faculty in accordance with the provisions of section 53203.

§55263. Correspondence Education Separate Course Approval.

If any portion of the instruction in a new or existing course is to be provided through correspondence 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 correspondence education mode, the addendum shall at a minimum specify how the portion of instruction delivered via correspondence education ~~meets~~:

(a) ~~Regular and effective contact between instructors and students constructed to~~ Documents and facilitates the progression of learning as referenced in section 5520662(a); and

(b) ~~Meets the~~ Requirements of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 749d)

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

§55264. Correspondence Education Faculty Selection and Workload.

(a) Instructors of course sections delivered via correspondence education 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 correspondence education shall be prepared to teach in a correspondence education delivery method consistent with local district policies and negotiated agreements.

(c) The number of students assigned to any one course section offered by correspondence 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 correspondence education may include a review by the curriculum committee established pursuant to section 55002(a)(1). When calculating the number of correspondence students, a student is considered “enrolled in correspondence courses” if correspondence courses constitute 50 percent or more of the courses in which the student is enrolled during an award year.

(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.

§ 55265. Correspondence Education Reporting.

~~Maintain R~~ecord 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 correspondence education on the~~ number of students and faculty participating in new courses or sections of established courses offered through correspondence education through the Chancellor's Office Management Information System.

§ 55266. Determination of Full-Time Status for Correspondence Students.

In order for a correspondence student to be considered a full-time student, at least one-half of the student’s coursework shall be made up of non-correspondence coursework, meeting one-half of the institution’s requirement for full-time students, pursuant to the following parameters:

(1) For a program that measures progress in credit hours and uses standard terms (semesters, trimesters, or quarters), 12 semester hours or 12 quarter hours per academic term.

(2) For a program that measures progress in credit hours and does not use terms, 24 semester hours or 36 quarter hours over the weeks of instructional time in the academic year, or the prorated equivalent if the program is less than one academic year.

(3) For a program that measures progress in credit hours and uses nonstandard-terms (terms other than semesters, trimesters, or quarters) the number of credits determined by

(i) Dividing the number of weeks of instructional time in the term by the number of weeks of instructional time in the program's academic year; and

(ii) Multiplying the fraction determined under paragraph

(3)(i) of this definition by the number of credit hours in the program's academic year.

(4) For a program that measures progress in clock hours, 24 clock hours per week.

(i) A "clock hour" for correspondence education purposes is defined as sixty (60) minutes of preparation in a correspondence course.

(5) A series of courses or seminars that equals 12 semester hours or 12 quarter hours in a maximum of 18 weeks.

(6) The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to this 15-day notice. Comments must be limited to title 5, California Code of Regulations, section(s) §55260, §55262, §55263, §55264, §55265, and §55266. We will accept comments concerning the changes outlined above in this 15-day notice until November 12, 2020. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 636
Sacramento, CA 95811-6549
Email: regcomments@cccco.edu

Comments must be received by the Regulation Coordinator prior to 4:00 p.m. on November 12, 2020. All written comments received by CCCCO staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

AUTHORITY AND REFERENCE

Authority: Sections 66700 and 70901, Education Code.

Reference: Sections 70901 and 70902, Education Code.

INFORMATIVE DIGEST

On March 17, 2019, changes were made to title 5, subchapter 3, section 55204, removing correspondence as an approved method of instructor-student contact for distance education offerings, effectively removing correspondence as an approved method of instruction. This change was necessary to bring regulations into alignment with the federal definitions of correspondence education and distance education. Per federal statute, correspondence education is not a form of distance education. However, with this change all references to correspondence education were eliminated within the title 5 regulations. The proposed title 5 additions will ensure these courses are available for use within the California Community College (CCC) system and remain eligible for apportionment. Correspondence education is a valuable method of delivery, creating critical access to education for a range of students including students in rural communities and currently incarcerated students.

Correspondence education totaled approximately 3,821.75 full-time equivalent students (FTES) in 2018-2019, less than 2% of all distance education-related delivery options and less than half a percent of all CCC FTES (enrollment of 7,931 in fall 2019). The majority of these course offerings enroll currently incarcerated students, for whom in-person instruction is limited and online distance education is unavailable. Additionally, due to the current COVID-19

conditions, many of the face-to-face programs inside prisons have moved to a correspondence modality. Correspondence education continues to be an important part of the community college system instructional portfolio and serves a critical role in ensuring access to education. To ensure that this method of delivery remains available and impactful, it is imperative that curricular standards be set to ensure students enrolled in a correspondence course receive a quality education.

The proposed title 5 sections are consistent with regulations for other alternative delivery methods, such as those for distance education, found within chapter 6, subchapter 3 Alternate Methodologies of Instruction (sections 55200-55210).

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*

Other non-discretionary cost or savings imposed on community college districts: *None*

Cost or savings in federal funding to state agencies: *None*

The proposed amendments to title 5 would result in no fiscal impact to local or state governments. Nor will it have any fiscal impact on any federal funding.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Aisha Lowe, Vice Chancellor
California Community Colleges
Chancellor's Office
regcomments@cccco.edu

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulatory action subject to this 15-day notice is set forth above. All of the information upon which the proposal is based, may be obtained online at:

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the November 16, 2020, meeting can find a further description of the proposal and the full text of the regulations. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.