



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

15-Day Notice published October 22, 2021

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 July 12, 2021. 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 August 6, 2021, and following the July 12, 2021 Board meeting, changes were made to this regulatory action in proposed section(s) 55200, 55204, 55206, 55208. The California Community College Chancellor's Office will present the regulatory action to the Board of Governors at its November 15, 2021 meeting. The changes are submitted for an additional 15-day comment period effective today, October 22, 2021. Comments must be received prior to 4:00 p.m. on November 6, 2021.

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 for additions to the text and/or double bold strikeout for deletions from the text as indicated in the attached 15-day Distance Education Regulatory Text.

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) 55200, 55204, 55206, 55208. We will accept comments concerning the changes outlined above in this 15-day notice until November 6, 2021. 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 6, 2021. All written comments received by Chancellor's Office 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.

INFORMATIVE DIGEST

The Chancellor's Office is proposing changes to title 5, California Code of Regulations, sections 55200, 55204, 55206, 55208 and 55005, relating to distance education to achieve two goals:

1. To align federal and state distance education regulations;
2. To disclose additional online course requirements to students; and
3. To define accessibility in distance education course design.

The Board of Governors had their first reading in July 2021. Subsequently, during the 45-day public review period, the Chancellor's Office received public comments related to the application of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973 in the relevant sections. The Chancellor's Office proposes

revisions to the regulatory action to define “accessibility” in distance education. Additional minor revisions are also proposed.

Summary of Changes

This regulatory action is the first step in aligning with Federal baseline requirements for distance education. As distance education evolves, the Chancellor’s Office will continue to solicit feedback and advice, through its participatory engagement process, from advisory committees to develop future regulatory changes and guidance to colleges.

Section 55200 - Provides list of technologies used to deliver instruction to students. These technologies are in line with what the Chancellor’s Office already collects through the Management Information System Data Element XF01 Method of Instruction. Adds definition of “accessible”.

Section 55204 - Replaces “effective contact” with “substantive interaction” and adds additional detail. This section incorporates the expanded federal definitions for “substantive interaction” and “regular interaction,” and clarifies that regular effective contact and substantive interaction is required in distance education courses as described in the course outline of record

Section 55206 - Changes references to “effective contact” to “substantive interaction”. This is a single reference to align with the language in the other sections.

Section 55208 - Adds the accrediting agency’s qualifications for instruction as criteria for instructors. The primary accrediting agency for the California Community Colleges is the Accrediting Commission for Community and Junior Colleges.

Section 55005 - Adds various online course disclosures to students prior to enrollment in a course including in-person synchronous meeting dates and times, asynchronous in-person activities, labs or field trips, and technology or application requirements.

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:

Rebecca O'Shaughnessy, 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 15, 2021, 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.