

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

STD. 400 (REV. 01-2013)

**PRINT**

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

MAY 21 2020  
1:44 p.m.

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2020-0521-02P</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2020 MAY 21 P 2:14 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY Board of Governors of the California Community Colleges	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE N/A	TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Correspondence Courses	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 58003.1, 58009
REPEAL
TITLE(S) 5

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Authority - Ed. Code section 70901.5</u>	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <u>30 days after filed w/Secretary of State</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Tanya Bosch - Regulations Coordinator	TELEPHONE NUMBER (916) 445-4826	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5-21-2020
TYPED NAME AND TITLE OF SIGNATORY Marc A. LeForestier, General Counsel	

## **Text of Proposed Regulatory Changes, Sections 58003.1 and 58009.**

This document contains strikethrough and underline text which may require adjustments to screen reader settings.

Board of Governors of the California Community Colleges

Proposed Revisions to Title 5 Regulations:

Related to Full-Time Equivalent Students and Alternate Attendance Accounting

### **Section 58003.1 of article 2 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:**

§ 58003.1. Full-time Equivalent Student; Computation.

(a) Pursuant to the provisions of section 58051, the units of full-time equivalent student for apportionment purposes shall be computed for courses, including those delivered by distance education under article 1 (commencing with section 55200) of subchapter 3 of chapter 6, based on the type of course, the way the course is scheduled, and the length of the course.

(b) The governing board of each community college district shall, for each of its colleges or its district, select and establish a single primary term length for credit courses that are scheduled regularly with respect to the number of days of the week and the number of hours the course meets each week, inclusive of holidays. The units of full-time equivalent student of credit courses scheduled coterminously with the term, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the student contact hours of active enrollment as of Monday of the weeks nearest to one-fifth of the length of the term, unless other weeks are specified by the Chancellor to incorporate past practice, by the term length multiplier, and divided by 525. The term length multiplier for attendance accounting purposes shall be determined in accordance with this chapter, provided that the maximum multiplier for semester length terms shall be 17.5 and the maximum multiplier for quarter length terms shall be 11.67.

(c) For credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term established pursuant to subdivision (b), or scheduled during the summer or other intersession, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by multiplying the daily student contact hours of active enrollment as of the census days nearest to one fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525.

(d) For credit courses scheduled to meet for fewer than five days, and all credit courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days, the units of full-time equivalent student, exclusive of independent study and cooperative work-experience education courses, shall be computed by dividing actual student contact hours of attendance by 525.

(e) For all open entry-open exit credit courses and for all noncredit courses otherwise eligible for state aid, except those described in subdivision (f), the units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525.

(f) For distance education courses not computed using other attendance accounting procedures described in this section and for independent study, correspondence and cooperative work-experience education courses, the following alternative attendance accounting procedure shall be used:

(1) For credit courses, for purposes of computing full-time equivalent student only, one weekly student contact hour shall be counted for each unit of credit for which a student is enrolled in one of those courses. The full-time equivalent student of those courses shall be computed by multiplying the units of credit for which students are enrolled as of the census day prescribed in subdivision (b) or (c), as appropriate, for the primary term or intersession and duration for which the course is scheduled, by the term length multiplier as provided for in subdivision (b), and dividing by 525.

(2) For noncredit course sections covered by this subdivision, for purposes of computing full-time equivalent student only, weekly student contact hours shall be derived by counting the total hours of instruction or programming received by the students, plus instructor contact as defined in sections 55204 or 55234, plus outside-of-class work expected as noted in the course outline of record and approved by the curriculum committee, and dividing the total number of hours for the course thus derived by 54. Hours of instruction or programming received shall be independently verified by the instructor using a method or procedure approved by the district according to policies adopted by the local governing board as required by section 58030. Full-time equivalent student for such noncredit course sections shall be computed by:

(A) multiplying the average of the number of students actively enrolled in the section as of each census date (those dates nearest to one-fifth and three-fifths of the length of the course section) by,

(B) the weekly student contact hours as derived above in this section, by

(C) the primary term length multiplier of 17.5, and

(D) dividing by 525.

(g) Notwithstanding subdivisions (b) and (c) of this section, the units of full-time equivalent student for any credit course other than independent study, correspondence and cooperative work-experience education courses may, at the option of the district, be computed by dividing the actual student contact hours of attendance by 525. When a district chooses to exercise the option of computing attendance for any course section by the actual student contact hours method, such method must be used consistently for all attendance accounting for that section.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

**Section 58009 of article 2 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:**

§ 58009. Application of Alternate Attendance Procedure for Independent Study, Correspondence, Work-Experience and Certain Distance Education Courses.

(a) For independent study, correspondence, cooperative work-experience and distance education courses using the attendance accounting procedure specified in subdivision (f) of section 58003.1, one weekly student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census day prescribed in section 58003.1(b) or (c), except for independent study, correspondence, or distance education laboratory courses. For independent study, correspondence, or distance education laboratory courses, weekly student contact hours shall be equivalent to those which would be generated for the same student effort in a laboratory course computed pursuant to subdivisions (b) or (c) of section 58003.1. For purposes of this section only, a “distance education laboratory course” means a distance education course which consists partly or exclusively of laboratory work.

(b) For credit courses, full-time equivalent student in courses described in subdivision (a) offered during primary terms is computed by multiplying the weekly student contact hours authorized pursuant to subdivision (a), generated as of the census date prescribed in section 58003.1(b) by the term length multiplier as provided for in section 58003.1, and dividing by 525.

(c) For noncredit courses described in subdivision (a), full-time equivalent student is computed on a census basis as prescribed in section 58003.1(f)(2).

(d) Full-time equivalent student in credit courses described in subdivision (a) which are conducted during a summer or other intersession is computed by multiplying the weekly student contact hours, authorized pursuant to subdivision (a) of this section, generated in each course, by a course length multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such courses conducted in the primary terms, and dividing by 525.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.