

## **Proposed Regulatory Action: Standardized Attendance Accounting Cleanup (First Reading)**

This document contains underlined and stricken text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations; ~~stricken~~ text denotes deletions from existing regulations.

### **SECTION 55230 OF ARTICLE 3 OF SUBCHAPTER 3 OF CHAPTER 6 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 55230. Purpose.

The provisions of this article should be read in conjunction with the provisions of sections 58051 and ~~58003.1~~ 58003.2 concerning attendance in approved courses and programs designed and conducted as independent study.

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

### **SECTION 55253 OF ARTICLE 4 OF SUBCHAPTER 3 OF CHAPTER 6 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 55253. College Credit, Attendance Accounting, Course Repetition.

(a) Units of credit for work experience education shall be calculated as follows:

(1) work experience education offered as a credit course: one semester unit of credit will be awarded for every 54 hours of work experience, or one quarter unit for every 33 hours of work experience, or the equivalent locally determined minimum threshold for awarding one unit of credit as codified in local board policy or procedure. Units of credit may be awarded in increments of .5 units; and

(2) work experience education integrated as a component of a course: units of credit will follow standards for credit hour calculations in section 55002.5 for all activity, lab, or other instructional course components. Units of credit for the work experience component shall be calculated according to the formula in subparagraph (1).

(b) Work experience education courses apply the attendance accounting procedure described in ~~subdivision (f), of section 58003.1~~ subdivision (b) of 58003.2, in calculating FTES.

(c) A maximum of fourteen semester credit hours or twenty-one quarter credit hours may be earned during one enrollment period in work experience education. Students may repeat a work experience education course subject to section 55040.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

**SECTION 55729 OF ARTICLE 2 OF SUBCHAPTER 8 OF CHAPTER 6 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 55729. Full-Time Equivalent Student (FTES) Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.

(a) The Chancellor's Office shall adjust the actual units of full-time equivalent student (FTES) of a district operating under a plan approved in accordance with this article to reflect the conduct of professional learning activities in lieu of scheduled instruction during flexible time. The adjusted units of FTES shall be computed by multiplying the actual units of FTES in the academic year, exclusive of any intersessions, computed pursuant to ~~§Section 58003.1~~ 58003.2, by a factor which does not change the FTES which would have otherwise been generated if the time for the professional learning activities had not been permitted and scheduled instruction had instead taken place.

(b) For courses other than those described in subdivision (b) of ~~§Section 58003.1~~ 58003.2, the multiplier factor shall equal the sum of the following:

(1) 1.0; and

(2) the total of all the actual hours of flexible time of all instructors pursuant to ~~§Section 55720~~ in the fiscal year, divided by the total of all the actual hours of classroom instruction of all instructors in the academic year, exclusive of any intersessions.

(c) For those courses described in subdivision (b) of ~~§Section 58003.1~~ 58003.2, this multiplier factor shall equal the term length multiplier applicable to the district.

(d) The Chancellor shall also withhold the appropriate amount of state aid whenever there is a final audit finding that an instructor did not spend at least as much time performing professional learning activities as the amount of time they were released from classroom instruction.

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

**SECTION 58001 OF ARTICLE 1 OF SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58001. Definitions.

The following definitions shall apply to the regulations contained in this chapter:

(a) "Apportionment" means an allocation of state or federal funding, district tax revenue, or other moneys to community college districts or other governmental units.

(b) "Attendance" or "attending" means active student participation in a course.

(c) "Average number of students" is the mean of the number of students attending a course on each of two census dates (nearest to the completion of one-fifth and three-fifths of a course's length).

(d) “Census date” for credit courses means the day closest to the end of the first twenty (20) percent of a course’s length. Students ~~in attendance on the census date~~ actively enrolled as of the census date may be claimed for apportionment.

(e) “Class hour”, “contact hour” and “student contact hour (SCH)” for graded and ungraded classes means a period of at least 50 consecutive minutes of scheduled instruction and/or examination (excluding passing time). A class scheduled for less than a single 50-minute period is not eligible for apportionment.

(f) “Clock Hour” means a 60-minute time frame, which may begin at any time.

(g) “Drop date” means the business day immediately preceding the census date. Instructors are required to clear the rosters of inactive enrollments on the drop date.

(h) “Full-time equivalent student” or “FTES” means the 525 hours of student instruction (15 Class hours per week x traditional 35-week academic year = 525 hours) or its equivalent. One FTES can be generated by a single full-time student enrolled in 15 units or multiple part-time students.

(i) “Immediate supervision” of off-campus work stations means the shared responsibility of an employer and a community college coordinator to ensure student participation in on-the-job training satisfies the requirements of a training agreement and a state-approved plan.

(j) “Passing time” and “break” means the ten-minute segment that together with a class hour comprises a “clock hour,” referred to as “passing time,” “break,” etc. No additional attendance may be claimed for this 10-minute segment, except as provided for a multiple hour class. The 10-minute break time permitted in each clock hour may not be accumulated during a multiple hour class to be taken at the end of the class and be counted for FTES apportionment.

(k) “Primary term” means the fall and spring semesters for semester colleges, and the fall, winter, and spring quarters for quarter colleges. A primary term does not include summer courses or winter intersession courses.

NOTE: Authority cited: Sections 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

## **SECTION 58003.2 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:**

§ 58003.2. Full-Time Equivalent Student; Computation.

(a) Units of full-time equivalent students for apportionment purposes may be calculated using the “Standardized Attendance Accounting Method,” the “Actual Hours of Attendance (Positive Attendance) Method” or the “Alternative Method (Noncredit) Method”, as described in this section.

(b) Standardized Attendance Accounting Method. For credit courses in a semester system, a multiplier of 18 contact hours shall be applied per unit of credit for lecture or similar

academic activities, and 54 contact hours shall be applied per unit of credit for lab or similar academic activities. For credit courses in a quarter system, a multiplier of 12 contact hours shall be applied per unit of credit for lecture or similar academic activities, and 36 contact hours shall be applied per unit of credit for lab or similar academic activities. To calculate full-time equivalent students, the total standardized contact hours shall be multiplied by the number of students in attendance at census, and the product shall be divided by 525.

(c) Actual Hours of Attendance (Positive Attendance) Method. This methodology is based upon the count of students present at each course meeting. The units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525. This method shall apply to the following:

- (1) All open entry/open exit courses (including credit and noncredit);
- (2) All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (i)(2) of section 58003.1 and subdivision (d) of section 58003.2;
- (3) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.
- (4) All credit courses may, at the option of the district, be computed by dividing the actual hours of attendance by 525.

(d) Alternative Attendance Accounting Method- (Noncredit). The Alternative Attendance Accounting Method (Noncredit) shall be used for all noncredit courses not computed using other attendance procedures described in this chapter and for noncredit independent study, correspondence and work-education experience courses. For purposes of computing full-time equivalent students only, weekly student contact hours shall be calculated by counting the total hours of instruction or programming received by the students, plus instructor contact as defined in sections 55204 or 55234, or 55251 as applicable, 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 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.
- (e) Term Length Multiplier. District governing boards may establish and maintain single primary term lengths for credit courses, for those courses that are scheduled regularly,

and meet for a consistent number of days and hours per week, inclusive of holidays. The term length multiplier shall be determined by counting each week in which at least three days of instruction or examination in term length courses are scheduled. The maximum term length multiplier for a semester length course shall be 17.5, and the maximum term-length multiplier for a quarter length course shall be 11.67.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code.

Reference: Sections 70901 and 84500, Education Code.

## **SECTION 58020 OF ARTICLE 3 OF SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58020. Census ~~Day~~ Date Procedure Tabulations.

(a) ~~For each course section census week, as defined in section 58003.1(b), or each course section census day~~date, as defined in section 58003.1(c) subdivision (d) of section 58001, a separate tabulation is required. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:

(A) Static course identifier code

(B) Section identifier code

(C) Title

(D) Method of instruction code

(2) ~~Number of days the course is scheduled to meet or number of weeks the weekly census course is scheduled to meet~~ calendar days from the course start date to end date, including weekends, breaks, and holidays.

(3) ~~Total N~~number of class hours each course section is scheduled to meet on the census day or number of class hours each weekly census course is scheduled to meet during the census week units of lecture, lab and activity as stated on the course outline of record.

(A) For other than independent study and work experience courses, each listing will include:

1. Regularly scheduled contact hours

2. Hours to be arranged (TBA)

3. Total contact hours scheduled per week

(B) For independent study and work experience courses each listing will include the range of units of credit allowed.

(4) Beginning and ending dates.

(5) Date of census days.

(6) An alphabetical list of each student actively enrolled in each course section indicating:

(A) Name (last, first, initial)

(B) Student identification code

(C) Residency category as specified on Form CCFS 320

(D) Scheduled contact hours per week or per day (or units of credit for which enrolled in independent study and work experience courses).

(b) Each tabulation shall also provide a grand total of student contact hours generated by residency category.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

**SECTION 58022 OF ARTICLE 3 OF SUBCHAPTER 1 OF CHAPTER 9 OF  
DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS  
AMENDED TO READ:**

§ 58022. Actual Student Contact Hours of Attendance Procedure Tabulations.

(a) A separate tabulation is required for each of the course categories described in ~~58006~~ subdivision (c) of 58003.2 of this subchapter. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:

(A) Static course identifier code.

(B) Section identifier code.

(C) Title.

(D) Method of instruction code.

(2) Number of days the course is scheduled to meet.

(3) Number of class hours each course section is scheduled to meet.

(4) Beginning and ending dates.

(5) An alphabetical list of each student actively enrolled in each course section indicating:

(A) Names (last, first, initial).

(B) Student identification code.

(C) Residency category as specified on Form CCFS 320.

(D) Actual student contact hours of attendance.

(b) Each tabulation described in this section shall also provide a grand total of actual student contact hours of attendance generated by residency category.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

**SECTION 58025 OF ARTICLE 3 OF SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58025. Nonresidents.

The attendance of all students who are not residents of a community college district in courses during the academic year shall be kept separately from all other attendance, and the units of full-time equivalent student for such students shall be computed on an individual basis in the applicable manner prescribed in ~~Section 58003.1 or Section 58007~~ section 58003.2.

The units of full-time equivalent student of students who are not residents of the community college district enrolled in intersession schools and classes for adults shall be kept separately from all other attendance, and the units of full-time equivalent student for such students shall be computed on an individual basis in the applicable manner prescribed in ~~Section 58003.1 or Section 58007~~ section 58003.2.

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

**SECTION 58050 OF ARTICLE 5 OF SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58050. Conditions for Claiming Attendance.

(a) All of the following conditions must be met in order for the attendance of students enrolled in a course to qualify for state apportionment:

(1) The course, or the program of which it is a part, must be approved by the governing board of each community college district in accordance with the provisions of subchapter 2 (commencing with section 55100) of chapter 6.

(2) The course must meet the criteria and standards for courses prescribed by section 55002.

(3) Unless expressly exempted by statute, the course must be open to enrollment by the general public, in accordance with section 58051.5 and article 1 (commencing with section 58100) of subchapter 2 of this chapter.

(4) The district may not receive full compensation for the direct education costs for the course from any public or private agency, individual or group of individuals in accordance with section 58051.5.

(5) The students enrolled in the course must be engaged in educational activities required of such students as described in the course outline of record. The number of contact hours for which apportionment is claimed shall not exceed the number specified in the course outline of record, subject to computation adjustments authorized pursuant to other provisions of this subchapter including, but not limited to, sections ~~58003.1~~ 58003.2, 58023 and 58164. If the course involves student use of district computers, other

equipment, or facilities, the district shall monitor usage of such equipment or facilities as part of the course to ensure that they are used solely for the specified educational activities.

(6) The students must be under the immediate supervision of an employee of the district, unless provided otherwise by law.

(7) The employee of the district must hold valid and unrevoked credentials or be employed pursuant to minimum qualifications adopted by the Board of Governors or equivalencies pursuant to section 53430 authorizing the employee to render service in the capacity and during the period in which the employee served.

(b) The regulations in this article are intended to clarify and interpret attendance accounting terminology used in subdivision (a) of this section, and in sections 58051 and 58055.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 78401, 84500 and 84811, Education Code.

## **SECTION 58051 OF ARTICLE 5 OF SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58051. Method for Computing Full-Time Equivalent Student (FTES).

(a)(1) Except as otherwise provided, in computing the full-time equivalent student of a community college district, there shall be included only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the district authorized to render service in the capacity and during the period in which he or she served.

(2)(A) A community college district may also include the attendance of students enrolled in approved courses or programs of independent study who are under the supervision, control, and evaluation, but not necessarily in the immediate presence, of an academic employee of the district who is authorized to render such service.

(B) The community college district shall determine the nature, manner, and place of conducting any independent study courses or program in accordance with the requirements of this section and article 3 (commencing with section 55230) of subchapter 3 of chapter 6.

(C) Each district conducting independent study courses shall ensure that the components of each independent study course or program for each student shall be set out in a written record or program, including the number of units (if applicable) and hours of study required, the arrangements for consultation with the instructor, and the work product to be evaluated.

(3) A community college district may also include the attendance of students enrolled in approved distance education in accordance with the provisions of article 1 (commencing with section 55200) of subchapter 3 of chapter 6.

(b) For the purpose of work-experience education programs meeting the standards of the Carl D. Perkins Career Technical Education Act of 2006 California State Plan (or any successor agreement related to career technical education), “immediate supervision” of off-campus work training stations means student participation in on-the-job training as outlined under a training agreement, coordinated by the community college district under a state-approved plan, wherein the employer and academic school personnel share the responsibility for on-the-job supervision.

(c) For purposes of computing the full-time equivalent student of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. However, prerequisites for the courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.

(d) Notwithstanding subdivision (c) of this section and any regulations related thereto, a community college may give preference in enrollment to persons who are employed by, or serving in a voluntary capacity with, a fire protection or fire prevention agency in any course of in-service fire training at the community college in cooperation with any fire protection or fire prevention agency or association. Preference shall only be given when such persons could not otherwise complete the course within a reasonable time and when no other training program is reasonably available. At least 15 percent of the enrollment in in-service fire training courses shall consist of persons who are neither volunteers of, nor employed by, a fire protection or fire prevention agency or association, if the persons are available to attend a course. Full-time equivalent student for the courses may be reported for state aid.

(e) Subdivision (d) shall apply only to the following:

(1) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, have been, as of January 1, 1980, the primary source of in-service fire training for any fire protection or fire prevention agency or association.

(2) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, establish in-service fire training for any fire protection or fire prevention agency or association which did not have in-service fire training, prior to January 1, 1980.

(f) In the event that in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(g) As a condition of claiming state apportionment, in addition to all other applicable apportionment eligibility requirements, for in-service training courses in the areas of

police, fire, corrections, and other criminal justice occupations, community college districts conducting in-service training courses must adhere to all applicable conduct of course and student attendance tracking requirements prescribed by law and/or the state public safety agency responsible for adopting training standards in the in-service training course area in which the student is licensed, certified or employed. For purposes of claiming state apportionment, the units of full-time equivalent student shall be computed for courses consistent with the provisions of section ~~58003.1(a)~~ 58003.2.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

**SECTION 58051.6 OF ARTICLE 5 OF SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58051.6. Full-Time Equivalent Student; Adult Education for Inmates of City, County, or City and County Jail, Road Camp, Farm or Federal Correctional Facility.

(a) Notwithstanding sections 58050 and 58051.5(a)(3), the governing board of a community college district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults, or a federal correctional facility may include the units of full-time equivalent student generated in those classes and computed pursuant to section ~~58003.1~~ or 58003.2, for purposes of state apportionments.

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Sections 84810.5 and 84750, Education Code.

**SECTION 58164 OF ARTICLE 5 OF SUBCHAPTER 2 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58164. Open Entry/Open Exit Courses.

(a) The term “open entry/open exit courses” refers to courses in which students enroll at various times, and complete at various times or at varying paces. Open entry/open exit courses may be conducted as either credit or noncredit courses and may be offered with or without regularly scheduled hours.

(b) For open entry/open exit courses for which credit apportionment is claimed, one unit of credit shall be awarded for approximately 48 hours of recitation, study, or laboratory work. Increments of less than one unit of credit shall be awarded in the same proportion.

(c) Where an open entry/open exit course provides supplemental learning assistance pursuant to section 58172, which supports another course or courses, the course outline of record for the open entry/open exit course must identify the other course or courses that it supports and the specific learning objectives to be addressed and the educational competencies students are to achieve.

(d) Full-time equivalent student computations for enrollment in open entry/open exit courses shall be made pursuant to the provisions of ~~subsection (e) of section 58003.1 or subdivision (c) of section 58003.2~~(e).

(e) The maximum number of hours a student may be enrolled in an open entry/open exit course shall be determined by the curriculum committee established pursuant to section 55002 based on the maximum time reasonably needed to achieve the educational objectives of the course.

(f) State apportionment shall not be claimed under this section for:

(1) optional attendance at artistic or cultural presentations or events (such as, but not limited to, films, concerts, plays, or art exhibitions).

(2) activities which are primarily student use of district facilities, equipment, or resources without provision of instruction involving specifically defined learning objectives and educational competencies set forth in the course outline of record.

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

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