

Proposed Revisions to Title 5, California Code of Regulations Relating to Distance Education (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 55200 OF ARTICLE 1 OF SUBCHAPTER 3 OF CHAPTER 6 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:

§ 55200. Definition and Application.

(a) “Distance education” means education that uses one or more of the technologies listed below to deliver instruction to students who are separated from the instructor(s) and to support regular and substantive interaction between the students and instructor(s) ~~either synchronously or asynchronously.~~ through modalities as defined by the Chancellor’s Office pursuant to section 55000.5. Technologies that may be used to offer distance education include:

- (1) The internet;
- (2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
- (3) Audio conference; or
- (4) Other media used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3) of this subdivision.

(b) The definition of “distance education” does not include correspondence courses.

(c) “Accessible” means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code; Title II of the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.); section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 749d; title 29 United States Code section 794d; and title 34 Code of Federal Regulations section 600.2.

SECTION 55204 OF ARTICLE 1 OF SUBCHAPTER 3 OF CHAPTER 6 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:

§ 55204. 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 distance education includes regular and substantive interaction between the instructor(s) and students, (and among students, if described in the course outline of record or distance education addendum), ~~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.~~ in any distance education modality recognized by the Chancellor's Office, notwithstanding in-person requirements, including orientation, testing, or academic support services.

(b) "Substantive interaction" means engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following:

- (1) Providing direct instruction;
- (2) Assessing or providing feedback on a student's coursework;
- (3) Providing information or responding to questions about the content of a course or competency;
- (4) Facilitating a group discussion regarding the content of a course or competency; or
- (5) Other instructional activities approved by the institution's or program's accrediting agency.

(c) Regular interaction between a student and instructor(s) is ensured by, prior to the student's completion of a course or competency:

- (1) Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and
- (2) Monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

(d) Regular and substantive interaction is an academic and professional matter pursuant to sections 53200 et seq.

(e) For purposes of calculating instructional time in the context of asynchronous distance education, a week of instructional time is any week in which:

- (1) The institution makes available the instructional materials, other resources, and instructor support necessary for academic engagement and completion of course objectives; and
- (2) The institution expects enrolled students to perform educational activities demonstrating academic engagement during the week.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code; and title 34 Code of Federal Regulations sections 600.2 and 668.3.

SECTION 55210 OF ARTICLE 1 OF SUBCHAPTER 3 OF CHAPTER 6 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:

§ 55210. Ongoing Responsibility of Districts.

If a district offers one or more courses or course sections in which instruction is provided through distance education ~~for at least 51 percent of the hours of instruction in the course or course section,~~ the district shall:

- (a) maintain records 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 distance education;
- ~~(b) provide to the local governing board, no later than August 31st of each year, a report on all distance education activity;~~
- (b) provide other information consistent with reporting guidelines developed by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.

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

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