



**NOTICE OF PROPOSED RULEMAKING
TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING
DISTANCE EDUCATION ATTENDANCE ACCOUNTING**

45-Day Notice published January 13, 2021

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the Board of Governors Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing and considering all comments, objections, or recommendations received regarding the proposed action.

PUBLIC HEARING

A public hearing will be held via Zoom videoconferencing during the next regularly scheduled Board of Governors meeting on January 19, 2021. The hearing will commence at 12:30 p.m. to 5 p.m. with closed session from 12:45 p.m. to 1:15 p.m.

To prevent the spread of novel coronavirus (COVID-19), the Board of Governors is temporarily offering an additional method for public comment. The public is encouraged to watch the board meeting online and either submit a written public comment or provide public comment to the Board of Governors, details are below.

Public Comment: Members of the public wishing to comment on specific board items or during the Public Forum may do so in advance or during the live board of governors meeting. All comments will be limited to three minutes and the following policies:

- a) You may submit your comment in advance via email to boardcomments@cccco.edu. In the email subject line, specify the item number you wish to comment on or indicate "Public Forum". You may identify yourself or specify that you wish to remain anonymous at the top of your email. All written public comments must be received by the end of business on January 13, 2021. Comments meeting the deadline will be provided to the Board of Governors and posted for public viewing.
- b) During the live board of governors meeting, you may use the Raise Hand feature on the Zoom platform to make a verbal comment to the

Board. A Chancellor's Office employee will announce your name and grant you the ability to speak to the Board. You are requested to identify yourself and present your comment at that time.

ZOOM VIDEOCONFERENCING

Please use the link below to join the webinar:

<https://cccconfer.zoom.us/j/381430034>

Dial US: +1 669 900 6833 | Webinar ID: 381 430 034

Password: **234632**

International numbers available: <https://cccconfer.zoom.us/u/acIPAzrcGq>

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on February 27, 2021. 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 regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action 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

Existing regulations prescribe attendance accounting methods which result in lower generation of full-time equivalent students (FTES) for distance education courses scheduled using the compressed calendar model. Further, an adjustment is also necessary for distance education or independent study courses that are lab based. The proposed amendments to the Board of Governors' regulations would address disparities between attendance accounting methods for distance education under traditional and compressed calendar course schedules.

Colleges are increasingly adapting course offerings to advance students' progress toward completion through flexible scheduling and a blend of online, hybrid, and face-to-face offerings. The issue of reduced FTES yields for distance education classes taught in compressed calendar districts has been identified and discussed for many years, specifically noting higher FTES yields for distance education classes in traditional calendar districts. With the increased number of face-to-face course offerings converted to distance education during the coronavirus pandemic, it is important to eliminate the disparity and provide for the same FTES yield for distance education courses irrespective of calendar type. To address this longstanding issue, title 5, sections 58003.1 and 58009 are proposed to be amended to remove this disparity.

For a typical lecture course, in calculating the total contact hours per student, the current FTES formula for a distance education section calls for the number of units of credit to be multiplied by the district's Term Length Multiplier (TLM). Traditional calendar districts have a TLM of 17.5, whereas compressed calendar districts typically have TLMs less than 17.0, and sometimes as low as 16.0. Because of their lower TLM, compressed calendar districts have a lower FTES yield for distance education classes than that of comparable classes taught in traditional calendar districts. The recommended title 5 changes will alter the formula by replacing the TLM with 17.5, resulting in identical FTES yields for comparable classes, irrespective of the district's calendar type.

Title 5, section 58009 provides an exception for distance education or independent study courses that are lab based. Under this exception, weekly

student contact hours in distance education or independent study laboratory courses may be calculated as equivalent to the number of hours that would be generated in a face-to-face laboratory course. This exception applies to courses that are partially or wholly laboratory based. For compressed calendar districts utilizing a TLM of 17.5 for distance education courses, in applying this exception, they should be using the equivalent number of hours that would be generated in a face-to-face laboratory course that corresponds to traditional length (non-compressed) primary terms (example: 3 hours for a 1 unit lab course). If these districts were to use the TLM of 17.5 and apply the exception using the equivalent number of hours that would be generated in a face-to-face laboratory course under their compressed calendar, the result would be an overage in the amount of FTES generated for the course.

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 the Regulations Coordinator, at regcomments@cccoco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the language of the proposed regulatory action, and 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 January 19, 2021, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.