



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

**45-Day Notice published June 22, 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 July 12, 2021. The hearing will commence at 12:30 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](mailto: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 July 7, 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](mailto:regcomments@cccco.edu)

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on August 6, 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**

The rapid nationwide transition to distance education in response to the pandemic resulted in confusion within the California community colleges. Students who were unfamiliar with distance education courses including the expectations and technology required experienced challenges to staying on their educational path. At the same time, recent changes to [Federal distance education regulations by the U.S. Department of Education](https://www.federalregister.gov/documents/2020/08/24/2020-08-24-final-rules-on-distance-education) ([bit.ly/3z5FC6t](https://bit.ly/3z5FC6t)) set the foundation for engaging online interactions between instructors and students. The Chancellor's Office is proposing Title 5 changes to provide clarity in the practice of online teaching and learning in California community colleges. The Chancellor's Office recommends revisions to sections 55200, 55204, 55206, and 55208 of Title 5 to align with the new Federal regulations. The Chancellor's Office also recommends revisions to section 55005 on the Publication of Course Standards to include additional details about distance education courses to better inform students prior to enrollment.

### **Aligning Federal and State Distance Education Regulations**

The U.S. Department of Education issued on August 24, 2020, final rules on distance education. They adopted on September 2, 2020, a definition of "distance education" ([34 CFR 600.2](https://www.federalregister.gov/documents/2020/09/02/2020-09-02-final-rules-on-distance-education) [[bit.ly/3g1bCkw](https://bit.ly/3g1bCkw)]) and revisions to the "academic year" ([34 CFR 668.3](https://www.federalregister.gov/documents/2020/09/02/2020-09-02-final-rules-on-distance-education) [[bit.ly/2REN2Na](https://bit.ly/2REN2Na)]). These new regulations take effect on July 1, 2021.

The Chancellor's Office recommends changes to title 5 of the California Code of Regulations to ensure alignment with the federal regulations. Significant recommended changes include:

- Additional specificity in the definition of "distance education."
- Changes to the requirement of instructor contact from "regular effective contact" to "regular and substantive interaction," and to the definitions of "substantive interaction" and "regular interaction."
- A requirement that distance education instructors meet qualifications established by an accrediting agency.

This proposed regulatory action would be a first step in regulatory reforms designed to ensure equity and quality in distance education. Further regulatory action is anticipated as a result of continuing Chancellor's Office consultation with stakeholders, including the Distance Education and Education Technology Advisory Committee (DEETAC).

### **Disclosing Additional Online Course Requirements to Students**

Currently, section 55005 requires colleges to inform students of: 1) a course's designation (degree applicable, not degree-applicable, or noncredit); 2) whether the course is transferable to a baccalaureate institution; 3) whether the course fulfills a major or general education requirement; and 4) whether the course is offered on a pass/no pass basis. The Chancellor's Office proposes this regulatory action to require colleges to provide students with additional details about unique scheduling or technological requirements associated with distance education courses, prior to their enrollment in the class. These additional disclosures will allow students to better understand class expectations and make informed decisions about course selection, with the aim of increasing the likelihood of course completion and success.

### **Summary of the Changes**

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.

Section 55204 — replaces "effective contact" with "substantive interaction" and adds more detail. This section incorporates the expanded federal definitions for "substantive interaction" and "regular interaction."

Section 55206 — reference change from "effective contact" to "substantive interaction" 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 majority of the California Community Colleges is the Accrediting Commission for Community and Junior Colleges. Calbright College's accrediting agency is the Distance Education Accrediting Commission.

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 the Regulations Coordinator, at [regcomments@cccco.edu](mailto:regcomments@cccco.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 Actions](#)

Those who receive the Board of Governors Agenda package for the July 12, 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.