

## California Community Colleges Regulations Summary

The following summary reflects the main points of the California Community College Distance Education Regulations and Guidelines found in the 2008 Omnibus Edition available in PDF format at [http://extranet.cccco.edu/Portals/1/AA/DE/de\\_guidelines\\_081408.pdf](http://extranet.cccco.edu/Portals/1/AA/DE/de_guidelines_081408.pdf)

In addition to these regulations and guidelines, California Community Colleges also adhere to the requirements of the U.S. Department of Education, Higher Education Opportunity Act as defined by the system accreditation agency, ACCJC. Both levels of regulation are summarized in this document. The ACCJC Guidelines are located at [http://www.accjc.org/wp-content/uploads/2013/08/Guide to Evaluating DE and CE 2013.pdf](http://www.accjc.org/wp-content/uploads/2013/08/Guide_to_Evaluating_DE_and_CE_2013.pdf)

The Higher Education Opportunity Act may be found at <http://www2.ed.gov/policy/highered/leg/hea08/index.html>

### Distance Education Requirements in the California Community Colleges

The general definition of Distance Education (DE) in the California Community Colleges (CCC) is stated in the Title 5 Regulations as, "Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology."<sup>1</sup>

The definition of DE in the CCC system is further clarified in later sections of the regulations and is more specifically defined as when any portion of a course is offered via technology, at a distance in lieu of traditional face-to-face (FTF) meeting time on campus.

Distance Education in CCC regulation and as a function of data collection, allows for a variety of delivery methodologies including asynchronous online delivery of a course, which is now the primary method used across the system. Televised two-way delivery is also still used in some districts.

It should be noted that some correspondence education using a variety of technical methodology, is also available in districts serving students actively in the military and/or incarcerated students. Correspondence education is not considered Distance Education by the US Department of Education and is regulated differently. Correspondence education is characterized by being self-paced in nature and by having considerably less interaction with an instructor than Distance Education. No Federal financial aide is available for correspondence education programs.

#### Distance Education Quality Standards:

1. Virtual Equivalent: "The same standards of course quality shall be applied to any portion of a course conducted through distance education as are applied to traditional classroom

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<sup>1</sup> Title 5 Regulation Sect 55200

courses.”<sup>2</sup> The interpretation of this regulation is that DE courses are the virtual equivalent of their FTF counterpart and follow the same outline of record. For example, a Freshman Composition course offered online, contains the same content as a Freshman Composition on campus.

2. **Accessibility:** Compliance with the American’s with Disabilities Act Section 508 is required of all DE course offerings. Courses must have accessible content prior to being offered to students.<sup>3</sup>
3. **Instructor Contact:** “Any portion of a course conducted through distance education includes regular effective contact between instructor and students.”<sup>4</sup> Instructor contact may be accomplished in a variety of ways and is subject to local definition, however, it must be able to be verified by the college to comply with federal regulations.
4. **DE Course Approval:** “If any portion of the instruction in a proposed or existing course or course section is designed to be provided through distance education in lieu of face-to-face interaction between instructor and student, the course shall be separately reviewed and approved according to the district’s adopted course approval procedures.”<sup>5</sup> While the course content stays the same as the FTF course, the methods of instruction and methods of evaluation are different for DE and must be separately considered for approval through a college’s curriculum process.  
*Note: While there is no definition specified for a course that is partially at a distance but also meets part time FTF, this section specifies that whenever a portion of a course is offered at a distance, it is subject to the quality standards of DE and is considered DE. Partially online courses are usually called “hybrid” courses.*
5. **Faculty Qualifications:** “Instructors of course sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the course’s subject matter most appropriately falls.”<sup>6</sup> This is the minimum requirement, may colleges also require separate professional development for online instructors.
6. **District Reporting Responsibilities:** “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.”<sup>7</sup>

### **Apportionment for DE:**

Apportionment accounting for distance education is quite complex and is described in detail in the guidelines. Generally, for full-term DE Courses, colleges receive the same apportionment as they

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<sup>2</sup> Title 5 Regulation Sect.55202

<sup>3</sup> Title 5 Regulation Sect 55200

<sup>4</sup> Title 5 Regulation Sect 55204

<sup>5</sup> Title 5 Regulation Sect. 55206

<sup>6</sup> Title 5 Regulation Sect 55208

<sup>7</sup> Title 5 Regulation Sect 55210

would for the equivalent FTF course. Apportionment is slightly different when courses are offered in less than the normal 18-week format. For more complete information, please refer to the DE Guidelines themselves.

### **Federal Requirements:**

These requirements are part of the Higher Education Opportunity Act of 2008 (HEOA) as described in the accreditation guidelines offered by the ACCJC. The HEOA Definition is a little more detailed than that of the California Title 5 Regulations;

“Distance education is defined, for the purpose of accreditation review as a formal interaction which uses one or more technologies to deliver instruction to students who are separated from the instructor and which supports regular and substantive interaction between the students and instructor, either synchronously or asynchronously. Distance education often incorporates technologies such as the internet; one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; audio conferencing; or video cassettes, DVDs, and CD-ROMs, in conjunction with any of the other technologies.”<sup>8</sup>

The HEOA requirements cover several areas not addressed in Title 5, including ensuring that the student taking the course is the student enrolled in the course<sup>9</sup>, more detailed definitions of instructor contact called “regular substantive contact, and institutional provision of program resources and support mechanisms that are equal to those available to FTF students.

In recent years the reauthorization activities for the HEOA have included discussions about how to comply with enrollment integrity assurances and authorization by states for institutions offering courses across state lines. Both are summarized below. The other items addressed in the HEOA are also addressed in the CCC Title 5 regulations and guidelines.

Student Integrity: Significant consideration has been given to ensuring that the student actually taking and completing an online course is the student enrolled in the course. The current standard is that a college must meet the following requirements:

Section 602.17 Requires institutions that offer distance education or correspondence education to have processes in place through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the course or program and receives the academic credit.

The agency meets the requirement if it –

(1) Requires institutions to verify the identity of a student who participates in class or coursework by using such methods as –

(i) A secure login and pass code, randomly generated personal questions, or proctored examinations; and

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<sup>8</sup> ACCJC Guidelines pg. 2

<sup>9</sup> HEOA 2008 Sect. 495

(ii) New identification technologies as they become widely accepted; and

(2) Makes clear that institutions should not use or rely on technologies that interfere with student privacy (H.R. 4137: HEOA, 2007, n.p.)

Discussions continue regarding whether or not technologies such as digital identification methods should be used to accomplish the goal of student integrity. The next version of the act may have more specified requirements.

#### State Authorization:

The other area that is not in our Title 5 regulations but that exists in many state legal mandates and is now being discussed in the reauthorization of the HEOA, is the need for state approval of programs available to their students from out of state institutions via distance education. This does become a compliance issue for our CCC's as the ACCJC is making sure that we comply with state laws for those states that have students taking online classes in our college but who do not live in California. The work to accomplish state authorization on a state-by-state basis is onerous at best, the fees add to the problem. The CCC's are doing this and most already have policy documents in place outlining how they are doing this and which states they have agreements with.

Several years ago, the DOE considered including language that required colleges to seek state authorization for offering education to students who were still living in their home state. In other words, if a CCC has students taking online courses but are living out of state, that college must obtain approval from those other states to "operate" in such a manner. The authorization process requires a college to contact an authorized state agency in any state from which students are taking online courses, determine the procedure to obtain authorization to serve students in that state, and then complete the procedure and pay any required associated fees to that state. This does not apply to non-residents of California who are living in California while taking classes whether online or FTF.

The considered language never made it into the act because it was not announced appropriately. It is now being reconsidered. Meanwhile, states are collecting approval fees and verifying approval and the ACCJC requires CCC's to follow state laws where they exist and seek proper approval and pay associated fees. This has proven to be an undue burden on colleges who may have one or two students who find their way to California online classes and live in other states. For more information on this complex issue, visit the State Authorization Network:

<http://wcet.wiche.edu/initiatives/state-authorization-network>

#### Program Reciprocity:

An additional issue that is not addressed in Title 5 but is part of the ACCJC accreditation requirement is the provision of resources for DE by an institution as a function of student equity. Throughout the accreditation process and in the accreditation guidelines, the question is asked, "How does the institution ensure that its DE/CE programs and services are of high quality, comparable with the institution's face-to-face offerings, and appropriate to an institution of higher education?"<sup>10</sup> In every section of the accreditation standards the resourcing of DE is addressed such that what is provided to FTF students, must be available equally to DE students.

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<sup>10</sup> ACCJC DE Guidelines

In practice the accreditation visiting teams are now assessing the ability of online students to access student support services and resources and it is expected that the scrutiny of equal resources will increase in the months to come.

**The Online Education Initiative:**

The Online Education Initiative is a project dedicated to improving student access to high quality online courses needed to complete their educational goals.

One of the overarching activities of the OEI is to inform colleges of what is not only required by regulation, but also what is effective practice in providing a successful online learning experience for students. To accomplish the effective resourcing of online programs across the system, a variety of resources have been developed and are globally available. For a complete list of those resources and other OEI accomplishments please see the attached summary document.

The shared governance body of the OEI, its steering committee, has also created and approved a set of quality course design standards that are in the process of being adopted system wide. The Academic Senate for the California Community Colleges, in the spring of 2016, passed a resolution recommending that colleges adopt a set of standards as part of the online program effective practices efforts. The standards can be found at <http://ccconlineed.org/faculty-resources/professional-development/online-course-design-standards/>