

**TITLE 5 REGULATIONS:
DISTANCE EDUCATION**

11.2

***ACTION SCHEDULED
(PUBLIC HEARING ITEM)***

Committee on: *Educational Policy*
Julia Li Wu, Chair

Presentation: *Rita Cepeda, Vice Chancellor*
Educational Services and Economic Development

Issue

This item presents revisions to the Title 5 regulations on distance education in the areas of "personal contact" requirements, extension of the evaluation period, separate course approval, and the submittal of reports to district board of trustees and the Chancellor's Office.

Background

Revisions to Title 5 regulations on distance education, for the duration of the evaluation period, are being recommended by the Distance Education Technical Advisory Committee (DETAC). In 1994, the Board of Governors revised the Title 5 regulations pertaining to distance education. The regulations implemented an evaluation period for distance education. The DETAC is the consultative advisory committee formed through *Board of Governors Standing Order 409*, which is responsible for the overall evaluation of distance education between 1994 and 1999. Pursuant to current regulations and standing orders, the DETAC is scheduled to make overall recommendations to the Board of Governors on the long-term status of distance education within the California community colleges by December 1999.

The recommended changes are required to effectively evaluate distance education programs throughout the system completely and accurately. The recommendations are supported by a significant number of community college organizations and have been reviewed through the Consultation Process.

One of the recommended changes addresses a substantial and critical issue for the California Community College system, the relationship between the student and faculty, and how effective it is to deliver education at a distance without regular "personal contact." This aspect of the

regulations has been the most debated and contested component of the changes during the evaluation period. A true and accurate evaluation of distance education cannot be conducted under the current regulations.

The DETAC is promoting the revisions to enable faculty to choose the most effective method to deliver instruction to students at a distance. The proposed removal of the regular personal contact requirement from credit transferable courses will provide the system and committee with the appropriate data to evaluate the effectiveness of a variety of faculty-student contact models for the remainder of the evaluation period.

Other proposed recommendations for changes to the regulations and guidelines address the extension of the evaluation period, separate course approval, and the submittal of reports to district board of trustees and the Chancellor's Office.

The current Title 5 regulation charges the DETAC with reviewing and evaluating distance education programs throughout the system in a pilot period from 1994-95 through 1998-99. The DETAC is to report to the Board of Governors, by December 1999, on the findings and recommend changes to the Title 5 Distance Education regulations. The sections that most affect the review during the evaluation period are

- 55316.5(b), Additional Courses
- 55317(b) and (c), District Reporting
- 55376(a) and (b), Instructor Contact (and related Guidelines)
- 55378, Separate Course Approval

Title 5 regulations currently require that each district offering distance education courses report annually to their board of trustees and submit a copy to the Chancellor's Office on July 1 (Section 55317(b)). The regulations also require that courses offered for transfer require instructor and student to have "regular personal contact" (Section 55376(a) and (b) and related guidelines). Sections 55316.5, Additional Courses, and 55317(c), Ongoing Responsibilities of Districts, are to become inoperative on July 1, 2000, unless a later adopted regulation deletes or extends this date. Recommended changes would extend the date by eighteen months to January 1, 2002. Section 55378, Separate Course Approval, would require review of courses with specific emphasis on regular effective contact between instructor and student.

Three public meetings were convened in November 1997 to allow public comment in support or opposition by individuals; in person, via facsimile, e-mail, or regular postal service. The meetings were held in Oakland, Los Angeles, and Sacramento.

Chancellor's Office staff presented the results of the first reading and public hearing at the Board of Governors' meeting to the Consultation Council on January 22, 1998. The Council supported the regulation language as is. The president of the statewide Academic Senate spoke and indicated that the Academic Senate approved the language as written and further discussion of the language was not necessary. However, the president of the Academic Senate indicated that discussions were taking place to address the issues of the University of California and California

State University academic senates regarding transfer and articulation related to the revision of Instructor Contact, Section 55376.

In January 1998, the Board of Governors reviewed the proposed changes. Public testimony, including the Academic Senate, supported the language as presented. Subsequent to that meeting, the statewide Academic Senate reviewed the language and are now recommending technical changes to it. The proposed re-wording by the Academic Senate does not significantly impact the intent of the language received by the Board of Governors in January 1998. The new language is being noticed for this Board of Governors meeting. The Board of Governors is requested to approve the language and delegate authority to the Chancellor to adopt the regulations at the conclusion of the comment period. This will allow the regulations to take effect by June 1, 1998, in time for summer sessions.

Analysis

Extension of Distance Education Evaluation Period

Sections 55316.5, Additional Courses, and 55317, Ongoing Responsibilities of Districts, are to become inoperative on July 1, 2000, unless a later adopted regulation deletes or extends this date. *Board of Governors Standing Order 409*, Distance Education, requires the DETAC to submit a report to the Board by December 1999.

The DETAC recommends changes to this section and extending this date by eighteen months to June 2002. This will allow the DETAC the necessary time to review collected data and complete a final report and recommendations to the Board.

District Reporting

Ongoing Responsibilities of Districts, Section 55317(b), requires that the district's distance education reports be submitted annually on July 1.

The problems created by the current July 1 date are: (1) collecting the reports in a timely manner; and (2) incomplete reports because of a lack of data available to the district at the time the reports are due to the board of trustees and the Chancellor's Office. Title 5 requires districts to report on all distance education courses. The requested information on students and courses may not be available until classes have ended, which may be in July. This forces the district to either submit the report late, or submit an incomplete report. The first year of reporting, 26 districts submitted reports and of those only 11 were complete enough to extract data. The second year, 35 districts submitted reports and a majority of those were either late or incomplete. To gather accurate and complete data, the DETAC recommends changing the reporting date to August 31.

Instructor Contact

Section 55376(a), Instructor Contact, requires instructors conducting distance education courses for transfer to have “regular personal contact” (face-to-face) with the student. The interpretation of “regular personal contact” has been that the instructor and student have face-to-face meetings.

Comparative Evaluation and Dual Standard

Changing Title 5 regulation Section 55376(a) and (b) would allow for proper evaluation of all California Community Colleges distance education courses during the remaining study period. Currently, 90 percent of all distance education courses in the system are transfer. In the most recent survey count there are approximately 1,077 distance education courses—31 are non-transferable. To continue the practice of “regular personal contact” for transfer courses between the instructor and learner restricts the districts and campuses’ ability to offer distance education courses to students across the California, as well as students beyond the state’s borders.

This change would eliminate the dual standard for transferable courses. All transfer courses require regular personal contact. Non-transferable courses do not require regular personal contact. As stated above, the majority of courses offered throughout the system are transferable; to provide accurate information in a report we must eliminate the requirement to study both types of courses.

Transfer Issues of CCC Distance Education Courses to the University of California and the California State University

The University of California (UC) and the California State University (CSU) raised the issue regarding the face-to-face requirement for California Community Colleges (CCC) courses. The face-to-face requirement was a part of the regulations in place since 1984. In 1994, when the CCC system was considering expanding distance education courses beyond credit transferable, the two university systems suggested that the elimination of the face-to-face requirement for credit transferable courses would jeopardize the eligibility of CCC courses for transfer.

The UC and CSU systems, however, conduct distance education courses in a different manner than the CCC system. Their respective distance education extension programs do not require any personal contact between the instructor and student.

Dialogue has occurred among the three systems within the Intersegmental Academic Senate Associations. The issues that were at the heart of the concerns of all three systems were those of the quality and rigor of distance education courses offered by the system’s colleges. The requirement of regular “personal” contact does not in itself address quality and rigor.

California Virtual University

The California Virtual University’s main objective is to create an on-line Internet catalog of all distance education programs, certificates, and degrees via distance education offered by the three segments of higher education in California. The CCC system is at a disadvantage to compete

with other segments of public and private higher education that are participating in the California Virtual University.

Changes/Improvements in Technology

There has been an improvement of the technology over the last two years for more effective contact between instructor and learner. In 1993, when the debate on face-to-face took place, the use of the World Wide Web was virtually non-existent in educational institutions. The CCC Telecommunications and Technology Infrastructure Program is now in place throughout the system that includes T1 lines, video conferencing, and satellite systems. This allows districts and campuses to develop, test, and expand the use of educational media technology for the use of instruction.

Separate Course Approval

Section 55378, Separate Course Approval, requires all distance education courses to undergo a separate approval process by each district. Proposed changes to this section direct the review process to focus on the method of effective regular contact between instructor and student. This revision is recommended because of the change to Section 55376(a), Instructor Contact, regarding effective regular contact. Due to that change, this language draws attention to the change at the local review and approval process. The curriculum committee, responsible for the review and approval of distance education courses, would conduct the review to assure that courses were being developed that clearly outlined the effectiveness of the contact between instructor and student.

Recommended Action

The regulations as presented in January were noticed for public comment, because of the work of the ad hoc committee, with agreement by all the parties, changes were made to Section 55376(a) and (b), which requires a new public comment period.

The text of the proposed regulations follows. Because of the expiration of this new public comment period is not until April 23, 1998, the Board is being asked to initially approve the regulations and delegate authority to the Chancellor to adopt the regulations.

That the Board of Governors adopt the following resolution:

Be it resolved that the Board of Governors of the California Community Colleges, acting under the authority of Section 70901(d) of the *Education Code*, delegates authority to the Chancellor of the California Community Colleges to adopt, on behalf of the Board, regulations on Distance Education that have been reviewed and approved by the Board, and that are herein set forth.

The Chancellor shall have the authority to consider written comments regarding these regulations. The Chancellor shall also have the authority to make nonsubstantive technical changes. The Chancellor shall adopt the regulations as endorsed by the Board in this resolution only if, in the Chancellor's opinion, no substantive changes are necessary, he shall bring such revisions back to the Board of Governors for further consideration.

Pursuant to Section 208 of the *Procedures and Standing Orders of the Board of Governors*, these regulations shall become effective 30 days after adoption by the Chancellor unless, within that 30-day period, at least two-thirds of the community college district governing boards vote in open session to disapprove the regulation. Written verification of governing board disapproval action must state the basis for the disapproval and include the text of any related governing board resolution related to the disapproval. Verification of disapproval must be sent to the Board of Governors, postmarked no later than 30 days after the regulations are adopted by the Chancellor.

*Staff: LeBaron Woodyard, Dean
Instructional Resources and Technology*

*Cristina Mora-Lopez
Instructional Resources and Technology-Distance Education*

Proposed Revisions to Regulations on Distance Education

1. Section 55316.5 of Article 1 of Subchapter 4 of Chapter 6 of Title 5 of the *California Code of Regulations* is amended to read:

55316.5 Additional Courses.

Notwithstanding any other provision of law, after June 1, 1994, the following additional types of courses may be offered pursuant to this Chapter, consistent with guidelines developed by the Chancellor:

(a) Nontransferable courses designed to meet the requirements of Sections 55805.5, 55806, and 55002(a) or (b);

(b) Noncredit courses conducted as distance education independent study.

This Section shall become inoperative on ~~July 1, 2000~~, January 1, 2002 unless a later adopted regulation deletes or extends this date.

Note: Authority cited: Sections ~~66700~~ and 70901, Education Code.

Reference: Sections 70901, 70902 and 78310, Education Code.

2. Section 55317 of Article 1 of Subchapter 4 of Chapter 6 of Title 5 of the *California Code of Regulations* is amended to read:

55317. Ongoing Responsibilities of Districts.

Any district conducting courses under Section 55316 or 55316.5 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;

(b) Provide to the local governing board no later than ~~July 1, 1995~~, August 31, 1998, and annually thereafter, a report on all distance education activity;

(c) Provide other information consistent with reporting guidelines which shall be developed by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

This section shall become inoperative on ~~July 1, 2000~~, January 1, 2002, unless a later adopted regulation deletes or extends this date.

Note: Authority cited: Sections ~~66700~~ and 70901, Education Code.

Reference: Sections 70901, 70902 and 78310, Education Code.

3. Section 55376 of Article 2 of Subchapter 4 of Chapter 6 of Title 5 of the *California Code of Regulations* is amended to read:

55376. 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) ~~Each section of a credit transferable course which is delivered as~~ All approved courses offered as distance education shall include regular ~~personal~~ effective contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, ~~or other in person activities. Personal contact may be supplemented by telephone contact, and correspondence.~~ voice mail, e-mail, or other activities.

(b) ~~All other approved courses offered by~~ distance education courses shall be delivered ~~include regular contact between instructors and students~~ consistent with guidelines issued by the Chancellor pursuant to Section 409 of the Procedures and Standing Orders of the Board of Governors.

Note: Authority cited: Section 70901, Education Code.

Reference: Sections 70901-70902, Education Code.

4. Section 55378 of Article 2 of Subchapter 4 of Chapter 6 of Title 5 of the *California Code of Regulations* is amended to read:

55378. Separate Course Approval.

Each proposed or existing course, if delivered by distance education, shall be separately reviewed and approved, according to the district's certified course approval procedures. Districts are to review courses with a specific emphasis on regular effective contact between instructor and student pursuant to Section 55376.

Note: Authority cited: Section 70901, Education Code.

Reference: Sections 70901-70902, Education Code.

Received: from dtowrek.rccd.cc.ca.us ([209.79.15.243]) by intergate.rccd.cc.ca.us (8.8.5/8.7.3) with SMTP id LAA00667 for <dperrin; Thu, 16 Apr 1998 11:28:11 -0700 (PDT)

From: Senate-News-Reply@SEN.CA.GOV Date: Thu, 16 Apr 1998 07:58:46 -0700 (PDT) Subject: Message on bill ab_2431 : billroot: [current.ab.from2400.ab2431]t980414.txt To: Recipients, of, bill, ab_2431, messages Comments: Info News Distribution v2.4-3/950226-jms

AB 2431 Distance learning: state policy: California Virtu BILL NUMBER: AB 2431 AMENDED 04/14/98 BILL TEXT AMENDED IN ASSEMBLY APRIL 14, 1998 AMENDED IN ASSEMBLY MARCH 25, 1998

INTRODUCED BY Assembly Members Firestone, Lempert, and Cunneen {+ (Coauthors: Assembly Members Baldwin, Kuykendall, and Leach) +}

FEBRUARY 20, 1998

An act to amend Section 66943 of, to add and repeal Article 1.5 (commencing with Section 66942) of Chapter 11.3 of Part 40 of, and to repeal and add Article 1 (commencing with Section 66940) of Chapter 11.3 of Part 40 of, the Education Code, relating to distance learning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2431, as amended, Firestone. Distance learning: state policy: California Virtual University Matching Grant Program. Existing law requires the California Postsecondary Education Commission to develop a state policy on the use of distance learning technology, as defined, in education, to be considered and, if appropriate, adopted by the Legislature. Existing law requires the commission, in developing the policy, to address specified issues and to compile research on the effectiveness and cost effectiveness of distance education at various levels of education. Existing law requires that the policy be developed to recognize the several existing distance learning networks, to enhance their coordination and direction, and to provide statewide incentives to build partnerships that further distance learning, as specified.

Existing law requires the commission, in developing the policy, (1) to propose a strategy to provide the 5 types of educational services of curriculum enhancement, expanded course offerings to rural and inner-city secondary schools, expanded course offerings at rural community colleges and off-campus centers, staff development courses for elementary and secondary teachers, and curriculum enhancement through the increased communication capability of schools, colleges, and universities and (2) to draw upon the experience and findings of the various campuses of the California State University that currently offer courses via distance education.

Existing law also requires the commission, in developing the policy, to identify existing sources of interactive distance learning instructional and staff development programming that can be utilized immediately by schools and colleges and to propose a strategy to utilize existing technologies to deliver instruction over distance, and link together school and college classrooms in rural and inner-city areas in the state. Existing law further requires the commission, in preparing the policy statement, to consult with an advisory committee having prescribed membership.

This bill would repeal these provisions, and instead provide that distance education shall be utilized by the state to achieve educational goals of access, quality, choice, efficiency, and accountability. The bill would require the state to provide that the standards for course and program quality applied to distance learning will be the same rigorous standards as are applied to traditional classroom instruction at higher educational institutions. The bill would require the state to encourage collaboration between the private sector and educational institutions in the use of technology.

This bill would require the California Postsecondary Education Commission to review and evaluate the state's distance learning policy, and make recommendations to the Legislature and Governor every 3 years, beginning in the year 2000, in consultation with an advisory committee composed of representatives from public elementary and secondary education, the California State University, the California Community Colleges, the University of California, the independent accredited universities and colleges, and private sector providers of distance learning services.

The bill would establish the California Virtual University Matching Grant Program to provide matching grants and technical assistance to California institutions of higher education for the purpose of developing and delivering high-quality distance learning courses, programs, and related applications of technology. The bill would prescribe procedures for the process of applications for these grants, including making the University of California, the California State University, and the California Community Colleges responsible for awarding funds to assist faculty in developing courses, programs, and related applications of technology.

The bill would repeal these provisions as of January 1, 2002.

Under existing law {+ , +} these provisions would not be applicable to the University of California unless made applicable to the university by the Regents of the University of California by appropriate resolution.

Vote: majority.

Appropriation: **no**.

Fiscal committee: **yes**.

State-mandated local program: **no**.

(4) Collaboration among institutions of higher education can reduce costs and increase efficiency in the deployment of information technologies by, for example, offering instructional programs and services, including electronic catalogs of all statewide distance learning courses, programs, and related services. A number of accredited California colleges and universities have chosen to collaborate through the California Virtual University for these purposes.

(5) Advances in distance learning can increase the ability of faculty and academic departments to assess the quality of instruction delivered. These advances have the potential to enhance performance measurement and accountability at campuses and within higher education segments.

(b) The delivery of educational programs and services via the use of information technologies has the potential to serve many California, national, and global constituencies. The state should provide incentives for institutions to expand their utilization of distance learning technologies, rather than prescribing or mandating institutional actions.

(c) The availability of a broad array of distance learning courses, programs and related services may serve the following high-priority needs in California:

- (1) Assist in meeting enrollment demand at the undergraduate level and within certain advanced degree programs.
- (2) Expand opportunities for intercampus and intersegmental collaboration on classes, courses, and programs.
- (3) Increase educational opportunities available to underserved geographic regions of the state.
- (4) Reduce time-to-degree by increasing the availability of required and impacted courses.
- (5) Enhance work force skills and competency in the adult population.
- (6) Expand course offerings in subjects that include, but are not necessarily limited to, English, science, and mathematics, to secondary schools that are unable to provide the college preparatory and enrichment courses that their pupils require and that other schools provide.
- (7) Provide staff development courses for elementary and secondary teachers, especially those with provisional or temporary credentials {+ or permits +} .
- (8) Expand opportunities for students currently limited by geographic location, disability, or campus class schedule.

(d) The standards for course and program quality applied to distance learning will be as rigorous as the standards currently applied to traditional classroom instruction at higher educational institutions. This includes standards relating to course content, student achievement levels, and the coherence of the curriculum.

(e) The state shall encourage collaboration between the private sector and the educational institutions in the use of technology, both to enhance the quality of education in the classroom and to expand and enhance the delivery of educational services to homes and worksites.

(f) The California Postsecondary Education Commission shall review and evaluate the state's distance learning policy, and make recommendations to the Legislature and Governor every three years, beginning in 2000. The review and evaluation shall be made, in consultation with an advisory committee composed of representatives from public elementary and secondary education, the California State University, the California Community Colleges, the University of California, the independent accredited universities and colleges, and private sector providers of distance learning services.

SEC. 4. Article 1.5 (commencing with Section 66942) is added to Chapter 11.3 of Part 40 of the Education Code, to read:

Article 1.5. The California Virtual University Matching Grant Program

66942.

(a) The California Virtual University Matching Grant Program is hereby established to provide matching grants and technical assistance to California institutions of higher education for the purpose of developing and delivering high-quality on-line and other distance learning courses, programs, and related applications of technology.

(b) The University of California, California State University, and the California Community Colleges shall separately and independently be responsible for awarding funds to assist faculty in developing high-quality distance learning courses, programs, and related applications of technology.

(c) Each public higher education segment shall be responsible for establishing criteria and developing a process for making awards. In developing the process, the segments should consider criteria such as the following:

- (1) Quality of instruction or service.
- (2) Demonstrated or projected demand for the course or program to be developed and offered.
- (3) The fit between the course material and the mode of instruction.
- (4) Cost effectiveness of the proposed project.
- (5) The potential of the course to increase flexibility that can enhance student progress.
- (6) Degree to which the proposed project utilizes private or nonstate funding.

(d) Funds provided will be matched from other sources, including in-kind contributions by the higher education segments. The public higher education segments shall develop requirements to achieve this provision.

(e) A report on the programs and activities funded under this section shall be transmitted by each segment to the Governor, to the Legislature, and to the California Postsecondary Education Commission, by September 30 of each year.

Date: Sun, 19 Apr 1998 10:43:06 -0500 (CDT)
 From: astrotoy@ix.netcom.com (Larry Toy)
 Subject: Moving on Legislation + More Task Force Members 4/19/98
 To: ccc-cvu-list@Cerritos.edu

AB2341 (Firestone) from the administration and Joe Rodota of the CVU (modified by us and the other segments) was introduced to provide implementing language and intent for the \$1M of Faculty/Staff Grants for each segment. I testified before the legislative consultants on Friday - indicating that we would be coordinating the purposes of the RFA's in all the areas together and using the on-line task forces to help us identify the crucial issues. I also shared some of the conceptual frameworks - but said that we would be developing them further over the next month or so. I got a nice phone call back saying that the testimony was very useful - it appears to have very good support - though CPEC (CA Post Secondary Education Commission) has asked to be included more centrally in the management of the grants - which we and the other segments are opposing.

More Task Force Members

Could you please check this list for accuracy?

Task Force Key:

- 1 Access for Disabled
- 2 Regional Centers
- 3 Staff Development
- 4 Faculty Staff Grants
- 5 Big Issues

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Thanks again, LT

Date: Sun, 19 Apr 1998 13:32:40 -0500 (CDT)
From: astrotoy@ix.netcom.com (Larry Toy)
Subject: Netg Staff Development Update
To: ccc-cvu-list@Cerritos.edu

As you all know, we chose NETg to provide computer based training software for staff development. Most of the colleges are in process of purchasing the site license. To help install, get implemented, etc. we are holding four regional workshops in mid May - coordinated by the @one project at DeAnza through Ann Koda. She is sending out registration materials for these free workshops. Because of the timing of these, NETg has agreed to extend the first license period to May 31, 1999 - so that anyone signing up before the end of May will have more than one year to use the license - those signing after May 31 will only get use until May 31, 1999. You might want to check at your college where in process is the NETg offer.

LT

