

AP 4610 INSTRUCTIONAL SERVICE AGREEMENTS

References:

Education Code Section 78015;

Title 5 Sections 51006, 53410, 55002, 55005, 55300-55302, 55600 et seq.,
55805.5, 58051(c) – (g), 58051.5, 58055, 58056, 58058(b), and 58100-58110

NOTE: This procedure is **legally advised**. The following list includes criteria found in other sample Administrative Procedures. The District may choose to refer to other procedures or repeat criteria within this procedure. Insert local practice, which should address the following and be used as a guide in the preparation of agreements or contracts.

- Delegation of responsibility for instructional service agreements
- Compliance with relevant policies and procedures,
- The responsibility of the governing board, prior to establishing a career/technical program, to conduct a job market study of the labor market area, and determine whether or not the results justify the proposed career/technical program;
- A written agreement or contract with the contractor stating the responsibilities of each party and that the college or district is responsible for the educational program conducted on site;
- The inclusion of procedures, terms and conditions relating to: 1) enrollment period; 2) student enrollment fees; 3) the number of class hours sufficient to meet the stated performance objectives; 4) supervision and evaluation of students; and 5) withdrawal of students prior to completion of a course or program.

The agreement/contract shall contain terms and conditions relating to cancellation and termination of the arrangement.

Instruction claimed for apportionment under the agreement/contract, shall be under the immediate supervision and control of an employee of the District who has met the minimum qualifications for instruction.

Where the instructor is not a paid employee, the District shall have a written agreement or contract with each instructor conducting instruction for which full-time employees are to be reported and stating that the District has the primary right to control and direct the instructional activities of the instructor.

The District shall list the minimum qualifications for instructors teaching these courses and that the qualifications are consistent with requirements in other similar courses given in the District.

The course must be held at facilities which are clearly identified as being open to the general public. Enrollment in the course must be open to any person who has been admitted to the District and has met any applicable prerequisites. The District policy on open enrollment must be published in the district catalogue, schedule of classes, and any addenda to the schedule of classes, along with a description of the course and information about whether the course is offered for credit and is transferable.

Degree and certificate programs must have been approved by the System Office and courses that make up the programs must be part of the approved programs, or the District must have received delegated authority to approve those courses locally.

The courses of instruction are specified in the agreement, the outlines of record for such courses and are approved by the District curriculum committee as meeting Title 5 course standards, and the courses have been approved by the district board of trustees.

Procedures used by the District to assure that faculty teaching different sections of the same course, teach in a manner consistent with the approved outline of record for that course are applied to courses and faculty covered under the agreement and students are held to a comparable level of rigor.

Records of student attendance and achievement shall be maintained by the District. Records will be open for review at all times by officials of the District and submitted on a schedule developed by the District.

It is agreed that both contractor and the District shall insure that ancillary and support services are provided for the students.

The District must certify that it does not receive full compensation for the direct education costs of the course from any public or private agency, individual or group.

The District is responsible for obtaining certification verifying that the instructional activity to be conducted will not be fully funded by other sources.

The District shall comply with the requirements of Title 5 Sections 55230-55232 concerning approval by adjoining high school or community college districts and use of non-district facilities, if classes are to be located outside the boundaries of the District.

NOTE: *The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and its legal counsel. This document was reviewed during the administrative review on May 7, 2013. This document was reviewed by representatives of the Academic Senates on December 12, 2013.*

Date Approved:

*(This is a new procedure recommended by the
Policy and Procedure Service)*

Legal Citations for AP 4610

Education Code Section 78015; Title 5 Sections 51006, 53410, 55002, 55005, 55300-55302, 55600 et seq., 55805.5, 58051(c) – (g), 58051.5, 58055, 58056, 58058(b), and 58100-58110

EDUCATION CODE SECTION 78015

78015. (a) (1) The governing board of a community college district, prior to establishing a vocational or occupational training program, shall conduct a job market study of the labor market area, as those terms are defined in Section 52301.5, in which it proposes to establish the program. The study shall use the State-Local Cooperative Labor Market Information Program established in Section 10533 of the Unemployment Insurance **Code**, or if this program is not available in the labor market area, other available sources of labor market information. The study shall include a California Occupational Information System supply analysis of existing vocational and occupational **education** or training programs for adults maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for students in the proposed programs justifies the establishment of the proposed courses of instruction.

(2) The governing board of the community college district shall make copies of each job market study available to the public.

(b) Subsequent to completing the study required by this section and prior to establishing the program, the governing board of the community college district shall determine whether or not the study justifies the proposed vocational **education** program.

(c) If the governing board of the community college district determines that the job market study justifies the initiation of the proposed program, it shall determine, by resolution, whether the program shall be offered through the district's own facilities or through a contract with an approved private postsecondary school pursuant to Section 8092.

Cal. Admin. Code tit. 5 Section 51006

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 2. COMMUNITY COLLEGE STANDARDS
SUBCHAPTER 1. MINIMUM CONDITIONS

s 51006. Open Courses.

(a) The governing board of a community college district shall adopt by resolution the following or a comparable statement: "The policy of this district is that, unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to regulations contained in Article 2.5 (commencing with Section 55200) of Subchapter 1 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations."

(b) The statement of policy adopted by the board pursuant to Subsection (a) shall be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which full-time equivalent student (FTES) is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor.

Cal. Admin. Code tit. 5 Section 53410

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 4. EMPLOYEES
SUBCHAPTER 4. MINIMUM QUALIFICATIONS
ARTICLE 2. QUALIFICATIONS AND EQUIVALENCIES

s 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

The minimum qualifications for service as a community college faculty member teaching any credit course, or as a counselor or librarian, shall be satisfied by meeting any one of the following requirements:

(a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree, or equivalent foreign degree, plus two years of professional experience directly related to the faculty member's assignment; or

(2) Possession of an associate degree, or equivalent foreign degree, plus six years of professional experience directly related to the faculty member's assignment.

Cal. Admin. Code tit. 5 Section 55002

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 1. PROGRAMS, COURSES AND CLASSES
ARTICLE 1. PROGRAM, COURSE AND CLASS CLASSIFICATION AND STANDARDS

s 55002. Standards and Criteria for Courses and Classes.

(a) Associate Degree Credit Course. An associate degree credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of Section 55805.5, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students eligible for admission.

(1) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course for associate degree credit if it meets the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problemsolving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course also requires a minimum of three hours of work per week, including class time for each unit of credit, prorated for short-term, laboratory and activity courses.

(C) Intensity. The course treats subject matter with a scope and intensity that requires students to study independently outside of class time.

(D) Prerequisites and Corequisites. When the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or corequisites that are established, reviewed, and applied in accordance with the requirements of Article 2.5 (commencing with Section 55200) of this Subchapter.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of Article 2.5 (commencing with Section 55200) of this Subchapter, as prerequisites or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

(F) Difficulty. The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level.

(G) Level. The course requires learning skills and a vocabulary that the curriculum committee deems appropriate for a college course.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students.

(4) Conduct of Course. Each section of the course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Chapter 2 (commencing with Section 51000), sections 55761-55763 and 58161 of this Division.

(b) Nondegree Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and is approved by the district governing board and falls within one of the categories described in Subdivision (1) of this Subsection.

(1) Types of Courses. Nondegree applicable credit courses are:

(A) precollegiate basic skills courses as defined in Section 55502(d) of this Division;

(B) courses designed to enable students to succeed in college-level work (including, but not limited to, college orientation and guidance courses, and discipline-specific preparatory courses such as biology, history, or electronics) that integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

(C) precollegiate occupational preparation courses designed to provide foundation skills for students preparing for entry into college-level occupational courses or programs;

(D) essential occupational instruction for which meeting the standards of Section 55002(a) is neither necessary nor required.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the standards which follow. In order to be eligible for state apportionment, such courses must be approved (as courses not part of programs) by the Chancellor's Office as provided by Section 55100 of this Division.

(A) Grading Policy. The course provides for measurement of student performance in terms of the

stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55758 of this Division. The grade is based on demonstrated proficiency in the subject matter and the ability to demonstrate that proficiency, at least in part, by means of written expression that may include essays, or, in courses where the curriculum committee deems them to be appropriate, by problemsolving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit based upon a relationship specified by the governing board between the number of units assigned to the course and the number of lecture and/or laboratory hours or performance criteria specified in the course outline. The course requires a minimum of three hours of student work per week, per unit, including class time and/or demonstrated competency, for each unit of credit, prorated for short-term, laboratory, and activity courses.

(C) Intensity. The course provides instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside of class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students completing each such course successfully will have acquired the skills necessary to successfully complete college-level work upon completion of the required sequence of such courses.

(D) Prerequisites and corequisites. When the college and/or district curriculum committee deems appropriate, the course may require prerequisites or corequisites for the course that are established, reviewed, and applied in accordance with Article 2.5 (commencing with Section 55200) of this Subchapter.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, scope, objectives, and content in terms of a specific body of knowledge. The course outline shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met by students. Taken together, these course specifications shall be such as to typically enable any student who successfully completes all of the assigned work prescribed in the outline of record to successfully meet the course objectives.

(4) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with provisions of Division 2 (commencing with Section 51000), Sections 55761-55763 and 58161 of this Division.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under Subdivision (a)(1) of this Section) and approved by the district governing board as a course

meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement that the committee deems appropriate for the enrolled students. In order to be eligible for state apportionment, such courses are limited to the categories of instruction listed in Education Code Section 84711 and must be approved by the Chancellor's Office as noted in Title 5, Section 55150.

(2) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met.

(3) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with the set of objectives and other specifications defined in the course outline of record.

(d) Community Services Class. A community services class is a class that meets the following minimum requirements:

(1) is approved by the local district governing board;

(2) is designed for the physical, mental, moral, economic, or civic development of persons enrolled therein;

(3) provides subject matter content, resource materials, and teaching methods which the district governing board deems appropriate for the enrolled students;

(4) is conducted in accordance with a predetermined strategy or plan;

(5) is open to all members of the community; and

(6) may not be claimed for apportionment purposes.

Cal. Admin. Code tit. 5 Section 55005

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 1. PROGRAMS, COURSES AND CLASSES
ARTICLE 1. PROGRAM, COURSE AND CLASS CLASSIFICATION AND STANDARDS

s 55005. Publication of Course Standards.

For each course offered, a community college shall make available to students through college

publications all of the following facts before they enroll in the course:

- (a) Whether the course is offered as a credit or noncredit course, or a community services class.
- (b) Whether the course is transferable to four-year colleges and universities.
- (c) Whether the course fulfills a major or general education requirement.
- (d) Whether the course is offered on the basis of credit-no credit, and if so, which provision of subsection (a) of section 51302 is applicable.

5 CCR § 55300

Cal. Admin. Code tit. 5, § 55300

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 4. PROGRAMS AND CLASSES OUTSIDE OF DISTRICT

§ 55300. Classes, Property and Buildings Outside of District.

The governing board of a community college district may conduct community college classes and acquire the necessary property and erect the necessary buildings therefore, outside of the boundaries of the district if all of the following conditions exist:

- (a) The proposed location is within the state.
- (b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the community college, or elsewhere within the district.

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

5 CCR § 55301

Cal. Admin. Code tit. 5, § 55301

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 4. PROGRAMS AND CLASSES OUTSIDE OF DISTRICT

§ 55301. Establishment of Courses Outside of District.

The governing board of a community college district may establish courses outside the district primarily for students who are nonresidents of the district, providing one of the following conditions is fulfilled:

(a) The governing board of a high school district in territory that is not included in any community college district requests that community college courses be offered in the high school district.

(b) The governing board of a high school district requests that community college courses be offered in the high school district in accordance with other applicable provisions of law and either:

(1) the community college district where the high school district is located chooses not to offer such courses; or

(2) the courses will be offered only to pupils of the high school and will not be claimed for apportionment by the community college district.

(c) Another community college district requests that community college courses be offered in its territory.

Nothing in this section or any other provision of this subchapter shall be construed to prohibit districts from establishing study abroad programs as described in Education Code section 66015.7 for students who are district residents or students who are not residents of the district.

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

5 CCR § 55302

Cal. Admin. Code tit. 5, § 55302

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 4. PROGRAMS AND CLASSES OUTSIDE OF DISTRICT

§ 55302. Use of Facilities Outside of District.

The governing board of a community college district may conduct community college classes for students who are residents of the district and utilize existing facilities necessary therefor outside of the boundaries of the district if the district is unable to construct adequate facilities within the district because of the failure of the electors of the district to authorize the issuance of bonds for

such purpose at an election held for such purpose and if the district is unable to obtain adequate facilities within the district with the funds available to the district for such purpose.

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

5 CCR § 55600
Cal. Admin. Code tit. 5, § 55600

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. CONTRACT EDUCATION
ARTICLE 1. CONTRACTS WITH PROVIDERS OF CAREER TECHNICAL EDUCATION

§ 55600. Definitions.

For the purposes of this subchapter the following definitions apply:

(a) "Vocational education contract" or "career technical education contract" means a written agreement between any community college district and a contractor which meets standards prescribed herein to provide career technical instruction to students enrolled in community colleges. Such agreements shall also be required to comply with the provisions of article 5 (commencing with section 8090) of chapter 1, part 6 of the Education Code.

(b) "The California State Plan for Vocational Education" or "Carl D. Perkins Career Technical Education Act of 2006 California State Plan" means an official agreement between the United States Commissioner of Education and the California State Board of Education which provides standards, policies, and procedures that shall apply to the operation of various phases of career technical education to qualify for financial support from the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270), or any successor federal legislation.

(c) "Contractor" as used in section 55602 means any private postsecondary school authorized or approved pursuant to the provisions of chapter 7 of part 59 of division 10 of the Education Code (commencing with section 94700), and which has been in operation not less than two (2) full calendar years prior to the effective date of the contract, to provide career technical skill training authorized by the Education Code and this subchapter.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (object of expenditure code 6000 as defined in the California Community Colleges Budget and Accounting Manual).

(e) "Public or private postsecondary educational institution in a neighboring state that borders on

the district boundary" for purposes of Education Code section 8092.5 means a public or private institution which:

(1) is located in a neighboring state that borders on the district boundary; and

(2) is a contractor under subdivision (c); or

(3) a private postsecondary school that meets standards established by the Chancellor.

(f) "Qualified faculty of the district" for purposes of section 55630(e) may include persons who have entered into contracts with the district pursuant to section 58058(b).

Note: Authority cited: Sections 8092, 66700, 70901 and 71024, Education Code. Reference: Title 20, United States Code Sections 2301, et seq.; and Chapter 1, Article 5 (commencing with Section 8090), Division 1 and Section 70901, Education Code.

5 CCR § 55601

Cal. Admin. Code tit. 5, § 55601

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. CONTRACT EDUCATION
ARTICLE 1. CONTRACTS WITH PROVIDERS OF CAREER TECHNICAL EDUCATION

§ 55601. Appointment of Vocational Education Advisory Committee.

The governing board of each community college district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers. The committee shall consist of one or more representatives of the general public knowledgeable about the educational needs of disadvantaged populations, students, teachers, business, industry, the college administration, and the field office of the Employment Development Department.

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

5 CCR § 55602

Cal. Admin. Code tit. 5, § 55602

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. CONTRACT EDUCATION
ARTICLE 1. CONTRACTS WITH PROVIDERS OF CAREER TECHNICAL EDUCATION

§ 55602. Authority to Contract.

(a) Any community college district or districts may contract with a private postsecondary school authorized or approved pursuant to the provisions of chapter 7 of part 59 of division 10 of the Education Code (commencing with section 94700) or described in Education Code section 8092.5 and which has been in operation not less than two full calendar years prior to the effective date of such contract to provide vocational skill training authorized by the Education Code and this subchapter. Any community college district may contract with an activity center, work activity center, or sheltered workshop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to section 41976(a)(5) of the Education Code.

(b) All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

(c) Meet the standards described in section 55620.

(d) Include the terms and conditions described in section 55630.

(e) The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

Note: Authority cited: Sections 8092, 66700, 70901 and 71024, Education Code. Reference: Chapter 1, Article 5 (commencing with Section 8090), Part 6, Division 1, Section 70901 and Chapter 7 (commencing with Section 94700) of Part 59, Division 10, Education Code.

5 CCR § 55602.5
Cal. Admin. Code tit. 5, § 55602.5

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. CONTRACT EDUCATION
ARTICLE 1. CONTRACTS WITH PROVIDERS OF CAREER TECHNICAL EDUCATION

§ 55602.5. Contracts for Vocational Education for Students with Disabilities.

Notwithstanding any other provision of law, the governing board of a community college district may enter into a contract with a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation to provide vocational education of community college students with disabilities. All instruction pursuant to this section shall be approved of and supervised by the governing board of the community college district and shall be conducted by academic employees. The attendance of such community college students participating in training under the provisions of this section may be claimed for purposes of state apportionment by the community college district, and college credit may be granted to students who satisfactorily complete the course of instruction.

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

5 CCR § 55605
Cal. Admin. Code tit. 5, § 55605

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. CONTRACT EDUCATION
ARTICLE 1. CONTRACTS WITH PROVIDERS OF CAREER TECHNICAL EDUCATION

§ 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

- (a) Not exceed one year in length;
- (b) Be approved by the Chancellor;
- (c) Be accompanied with an explanation of the need for intended offerings.
- (d) Be maintained in conformity with applicable provisions of this division, the Education Code, the California Community Colleges Budget and Accounting Manual, and the Carl D. Perkins Career Technical Education Act of 2006 California State Plan; and
- (e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

Note: Authority cited: Sections 8092, 66700, 70901 and 71024, Education Code. Reference: Article 5 (commencing with Section 8090), Chapter 1, Part 6, Division 1, Title 1, and Section 70901, Education Code.

Cal. Admin. Code tit. 5 Section 55805.5

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 10. DEGREES AND CERTIFICATES

s 55805.5. Types of Courses Appropriate to the Associate Degree.

The criteria established by the governing board of a community college district to implement its philosophy on the associate degree shall permit only courses that conform to the standards specified in section 55002(a) and that fall into the following categories to be offered for associate degree credit:

- (a) All lower division courses accepted toward the baccalaureate degree by the California State University or University of California or designed to be offered for transfer.
- (b) Courses that apply to the major in non-baccalaureate occupational fields.

(c) English courses not more than one level below the first transfer level composition course, typically known as English 1A. Each student may count only one such course as credit toward the associate degree.

(d) All mathematics courses above and including Elementary Algebra.

(e) Credit courses in English and mathematics taught in or on behalf of other departments and which, as determined by the local governing board require entrance skills at a level equivalent to those necessary for the courses specified in subsections (c) and (d) above.

Cal. Admin. Code tit. 5 Section 58051

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 9. FISCAL SUPPORT
SUBCHAPTER 1. ATTENDANCE
ARTICLE 5. ATTENDANCE ACCOUNTING STANDARDS

s 58051 (c-g). Method for Computing Full-Time Equivalent Student (FTES).

(c) For purposes of computing the full-time equivalent student of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. However, prerequisites for the courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.

(d) Notwithstanding Subsection (c) and any regulations related thereto, a community college may give preference in enrollment to persons who are employed by, or serving in a voluntary capacity with, a fire protection or fire prevention agency in any course of in-service fire training at the community college in cooperation with any fire protection or fire prevention agency or association. Preference shall only be given when such persons could not otherwise complete the course within a reasonable time and when no other training program is reasonably available. At least 15 percent of the enrollment in in-service fire training courses shall consist of persons who are neither volunteers of, nor employed by, a fire protection or fire prevention agency or association, if the persons are available to attend a course. Full-time equivalent student for the courses shall be reported for state aid.

(e) Subsection (d) shall apply only to the following:

(1) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, have been, as of January 1, 1980, the primary source of in-service fire training for any fire protection or fire prevention agency or association.

(2) Community colleges which, in cooperation with any fire protection or fire prevention agency or association, establish in-service fire training for any fire protection or fire prevention agency or association which did not have in-service fire training, prior to January 1, 1980.

(f) In the event that in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(g) Positive records of student admissions and full-time equivalent student in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations, as described in Subsection (c), shall be maintained by each district and shall be separately reported annually to the Chancellor's Office.

Cal. Admin. Code tit. 5 Section 58051.5

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s 58051.5. Reports for Apportionment; Prohibited Classes.

(a) No community college district may claim for purposes of state apportionment any classes:

(1) if the district receives full compensation for direct education costs for the class from any public or private agency, individual or group of individuals; or

(2) if the public or private agency, individual or group of individuals, with whom the district has a contract and/or instructional agreement, has received from other sources full compensation for the direct education costs for the conduct of the class; or

(3) if such classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to ensure that attendance in such classes is open to the general public, except that students may be required to meet prerequisites which have been established pursuant to Sections 55002, 55201 and 55202.

(b) For classes that are not fully funded under contracts identified in paragraph (a)(2) and are claimed for apportionment purposes, the community college district shall require the contracting entity to certify that the direct education costs of the activity are not being fully funded through other sources.

Cal. Admin. Code tit. 5 Section 58055

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s 58055. Immediate Supervision.

(a) For the purposes of health sciences education programs in community colleges, "immediate supervision" means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students in clinical activities with academic personnel of the district. In all such cases the person to whom the pupil is required to report and who is not an academic district employee shall possess a valid certificate or license to practice a healing art in California.

(b) For the purposes of educational programs sponsored by the California Firefighter Joint Apprenticeship Program, the term "immediate supervision" as used in section 58051 means, in the context of classes conducted at the workplace, student participation in classes instructed by a person who is qualified, by means of education or experience, as a journeyman, and shares the responsibility for supervision of the students participating in the classes with academic personnel of the district.

Cal. Admin. Code tit. 5 Section 58056

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s 58056. Immediate Supervision and Control.

(a) Subdivision (a)(1) of section 58051 requires, as a condition for claiming attendance for apportionment purposes, the immediate supervision and control of an academic employee authorized to render service in a capacity and during the period in which he or she served. Immediate supervision and control requires the presence of the authorized employee. More specifically, immediate supervision or presence is characterized by all of the following:

- (1) The authorized employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and
- (2) The authorized employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and
- (3) The authorized employee is not to have any other assigned duty during the instructional

activity for which attendance is being claimed. The criteria specified above are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

(b) Under the following limited circumstances, attendance of students enrolled in a course or program which does not meet the requirements of subdivision (a) shall qualify for apportionment purposes if:

(1) The course or program is approved and being conducted as distance education in accordance with article 3 (commencing with section 55205) of subchapter 1 of chapter 6; or

(2) The course or program is approved and being conducted as independent study in accordance with subchapter 4 (commencing with section 55300) of chapter 6; or

(3) The course or program is approved and being conducted as work experience education in accordance with subchapter 3 (commencing with section 55250) of chapter 6 of this part; or

(4) The course or program is approved and is being conducted as health sciences education in accordance with section 58055(a).

(c) Attendance generated solely under an instructional assistant or aide does not qualify for apportionment. In addition, instructional aides shall not be used to increase the number of students in relation to the number of classroom instructors in the district. However, attendance may qualify for apportionment under the following limited circumstances:

(1) The assistant or aide functions under the exclusive direction of the authorized employee assigned to that educational activity, and not independently; and

(2) The assistant or aide performs only those duties specifically authorized by law, including, but not limited to, sections 88240-88249 of the Education Code; and,

(3) The authorized employee is able, in terms of physical proximity and range of communication, to provide necessary supervision and control of students, so that by working in conjunction with the assistant or aide, the requirements of subsection (a) of this section are met.

Cal. Admin. Code tit. 5 Section 58058

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s 58058 (b). Employee of the District.

(b) For the purposes of complying with the requirements of this section, a district may also

contract for instruction to be provided by a public or private agency. Such contracts shall specify that the district has the primary right to control and direct the activities of the person or persons furnished by the public or private agency during the term of the contract. In addition, the district shall enter into a written contract with each person furnished by the public or private agency; and said contracts shall meet the requirements of subsection (a)(1) and (2) of this section. In this manner an individual employed will continue to be an employee of a public or private agency, while at the same time qualifying as an employee of the district.

Cal. Admin. Code tit. 5 Section 58100

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s 58100. Open Enrollment.

Cal. Admin. Code tit. 5 Section 58102

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s 58102. Course Description.

The description of each course shall be clear and understandable to the prospective student and shall be published in the official catalog, and/or schedule of classes, and/or addenda.

A course description may indicate that the course is designed to meet certain specialized needs. If so indicated, the availability of the course to all qualified students must also be affirmed.

Cal. Admin. Code tit. 5 Section 58104

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s 58104. Dissemination of Information.

All courses to be conducted shall be described in the official general catalog and/or addenda and listed in the schedules of classes.

Courses which are established or conducted after publication of the general catalog or regular schedule of classes shall be reasonably well publicized.

Announcements of course offerings shall not be limited to a specialized clientele, nor shall any group or individual receive notice prior to the general public for the purposes of preferential enrollment, limiting accessibility, or exclusion of qualified students.

Cal. Admin. Code tit. 5 Section 58106

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s 58106. Limitations on Enrollment.

In order to be claimed for purposes of state apportionment, all courses shall be open to enrollment by any student who has been admitted to the college, provided that enrollment in specific courses or programs may be limited as follows:

(a) Enrollment may be limited to students meeting prerequisites and corequisites established pursuant to Sections 55200-55202 of this Division,

(b) Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning or legal requirements imposed by statutes, regulations, or contracts. The governing board shall adopt policies identifying any such limitations and requiring fair and equitable procedures for determining who may enroll in affected courses or programs. Such procedures shall be consistent with one or more of the following approaches:

(1) limiting enrollment to a "first-come, first-served" basis or using other nonevaluative selection techniques to determine who may enroll; or

(2) limiting enrollment using a registration procedure authorized by Section 58108; or

(3) in the case of intercollegiate completion, honors courses, or public performance courses, allocating available seats to those students judged most qualified; or

(4) limiting enrollment in one or more sections of a course to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions; or

(5) with respect to students on probation or subject to dismissal, the governing board may, consistent with the provisions of Sections 55754-55755 of this Part, limit enrollment to a total number of units or to selected courses, or require students to follow a prescribed educational plan.

(c) A student may challenge an enrollment limitation established pursuant to Subsection (b) of this Section on any of the following grounds:

(1) the enrollment limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(2) the district is not following its policy on enrollment limitations;

(3) the basis upon which the district has established an enrollment limitation does not in fact exist; or

(4) any other criteria established by the district.

(d) The student shall bear the burden of showing that grounds exists for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the district shall waive the enrollment limitation with respect to that student.

(e) In the case of a challenge under Subsection (c)(1) of this Section, the district shall, upon completion of the challenge procedure established pursuant to this Section, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to Subchapter 5 (commencing with Section 59300) of Chapter 10 of this Division. Completion of the challenge procedure shall be deemed to satisfy the requirement of Section 59328(b) that the district and the student attempt informal resolution of the complaint.

Cal. Admin. Code tit. 5 Section 58107

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s 58107. Facilities and Opportunities for Participation.

Notwithstanding any other provision of law, no public funds shall be used in connection with athletic programs conducted under the auspices of a community college district governing board or any student organization within the district, which do not provide facilities and opportunities for participation by both sexes on an equitable basis. Facilities and opportunities for participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

Cal. Admin. Code tit. 5 Section 58108

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s 58108. Registration and Enrollment Procedures.

Procedures for registration and standards for enrollment in any course shall be only those which are consistent with these and other sections of Title 5 and uniformly administered by appropriately authorized employees of the district.

Except as otherwise provided by state law, no student shall be required to confer or consult with or be required to receive permission to enroll in any class from any person other than those employed by the college in the district.

Students will not be required to participate in any preregistration activity not uniformly required; nor shall the college or district allow anyone to place or enforce nonacademic requisites as barriers to enrollment in or the successful completion of a class.

No registration procedures shall be used that result in restricting enrollment to a specialized clientele.

The following registration procedures are permissible: special registration assistance to the handicapped or disadvantaged student as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established pursuant to legal authority by the local board of trustees.

With respect to accessibility to off-campus sites and facilities, no student is to be required to make any special effort not required of all students to register in any class or course section. Once enrolled in the class, all students must have equal access to the site.

Cal. Admin. Code tit. 5 Section 58110

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s 58110. Enrollment Limitations.