



**NOTICE OF PROPOSED RULEMAKING  
CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING  
STANDARDIZED ATTENDANCE ACCOUNTING**

**45-Day Notice published January 11, 2024**

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the California Community Colleges Board of Governors (Board) Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing, and consideration of all comments, objections, or recommendations received regarding the proposed regulatory action during the public comment period, which closes on February 25, 2024.

**BOARD OF GOVERNORS PUBLIC HEARING**

A public hearing will be held during the next regularly scheduled Board of Governors meeting on January 22, 2024.

**In-Person Participation**

California Community Colleges, Chancellor's Office Building  
Sixth Floor, Board of Governors Chambers  
1102 Q Street  
Sacramento, CA 95811

Parking options can be found on our website.

All Board of Governors (Board) meetings are held in locations that are open to the public and wheelchair accessible. Other disability-related accommodations, such as alternate media materials, sign language interpreters, or real-time transcription, may be provided to persons with disabilities upon request. Persons requesting such accommodations should notify the Board Liaison at [ccastro@cccco.edu](mailto:ccastro@cccco.edu), (916) 323-5889, no less than five business days prior to the meeting.

## **Public Comments at the Board Meeting**

Members of the public seeking to comment on the proposed regulatory action at the Board meeting should refer to the Board's agenda for information on how public comment on Board items will be received. The [Board's agendas](https://www.cccco.edu/About-Us/Board-of-Governors/Meeting-schedule-minutes-and-agendas) are available here: <https://www.cccco.edu/About-Us/Board-of-Governors/Meeting-schedule-minutes-and-agendas>.

## **WRITTEN COMMENT PERIOD**

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

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

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on February 25, 2024. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

## **CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS**

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be subject to a second 15-day notice period prior to its adoption at a subsequent Board meeting.

## **INFORMATIVE DIGEST**

The California's Community Colleges Vision 2030 focuses on working learners, both those currently enrolled and those who have yet to reach our institutions. Designing by designing flexible and accessible program pathways to improve Californians' socio-economic mobility is part of this focus. The Chancellor's Office established a Working Learner Taskforce in August 2023, and it identified policy and funding barriers to providing students with shorter-length courses and flexible scheduling which are proven approaches that support working learners. The Taskforce recommended amendments to the Board's attendance accounting regulations to remove financial disincentives to districts offering shorter length courses.

### **Standardized Attendance Accounting for Credit Courses**

The Board's attendance accounting regulations are designed to compute the full-time equivalent students (FTES) an institution serves. A total of five methodologies are currently available to calculate attendance based on the type of course, the way the course is scheduled, and the length of the course. Existing attendance accounting regulations favor traditional, 17-week long course lengths which are favored by financially dependent students, leaving working learners forced to adapt to a system that was not designed for them. Under current regulations, shorter-length courses with labs, hybrid courses, and online courses typically yield lower FTES counts and result in few resources for districts offering such course types. Across the system, this has led to an underutilization of adaptive and innovative scheduling practices that meet our students and communities where they are.

Amendments to title 5 sections 58000-58164, would simplify exiting attendance accounting policies by reducing the available methodologies from five down to three, allowing all credit courses to use one methodology, and removing the financial disincentive for shorter-length courses. The proposed regulatory action introduces a new methodology, the Standard Attendance Accounting for Credit, which provides a standard set of hours for a unit of lecture and a unit of lab, both in alignment with definitions in title 5, section 55002.5 and the Program and Course Administrative Handbook.

### **Proposed Regulatory Changes**

The following changes are proposed to the attendance reporting regulations sections in Title 5 of the California Code of Regulations:

Section 58000.

- Adds an introduction and purpose of attendance accounting.

Section 58001.

- Adds definition of key terms used in the chapter and applicable to attendance reporting.

Section 58002.

- Repeals this section as it is duplicative of section 55700.

Section 58003.1.

- Repeals section effective June 30, 2025.

Section 58003.2.

- Repeals existing section 58003.2.
- Adds a new section defining the three remaining attendance accounting methodologies:
  - Positive attendance.
  - Alternative attendance.
  - Adds a new Standardized credit methodology.
    - Defines standardized credit hours as 18 hours per unit of credit for lecture and 54 hours per unit of credit for lab.
    - For Quarter system colleges, defines standardized credit hours as 12 hours per unit for lecture and 36 hours per unit for lab.
- This section replaces 58003.1 when it is repealed.

Section 58004-58006.

- Provisions within the existing section added to new section 58003.2.
- Repeals section effective June 30, 2025.

Section 58009-58009.5.

- Repeals section effective June 30, 2025.

The proposed changes to title 5, section 58000, will allow community colleges to offer flexible class schedules, including evening, weekend, and online/hybrid courses, to accommodate the busy lives and work commitments of working adults. This flexibility also allows community colleges to attract working adults who may have once seen the pursuit of higher education as out of reach.

## **ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS**

The estimated costs of the proposed regulatory action are absorbable within districts' existing FTES restoration amounts.

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*.

Other non-discretionary cost or savings imposed on community college districts: *None*.

Cost or savings in federal funding to state agencies: *None*.

The proposed amendments to title 5 would result in no fiscal impact to local or state governments, nor will it have any fiscal impact on any federal funding.

## **CONTACT PERSON**

Inquiries concerning the content of these regulations may be directed to the Regulations Coordinator, at [regcomments@cccco.edu](mailto:regcomments@cccco.edu).

## **TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS**

Copies of the language of the proposed regulatory action, and all of the information upon which the proposal is based, may be obtained online at:

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the January 22, 2024, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.

## **Proposed Revisions to Title 5, California Code of Regulations Relating to Standardized Attendance Accounting (1<sup>st</sup> Reading)**

This document contains underlined and stricken text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations; ~~stricken~~ text denotes deletions from existing regulations.

### **SECTION 58000 OF ARTICLE 1, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED AND ADOPTED TO READ:**

#### ~~§ 58000. Introduction.~~

~~The documentation requirements set forth in this subchapter have been developed to promote standardized, accurate reporting of data used for calculating the State general apportionment, and to facilitate audits of related community college records. This documentation, based on detailed tabulations of course sections and appropriate support records as described below, shall be available to the auditor retained by the district pursuant to Education Code Section 84040, the Department of Finance, the Auditor General, and the Chancellor's Office. These records may also be required by federal auditors when federal funds are involved.~~

~~NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.~~

#### § 58000. Introduction.

Attendance Accounting in the California Community Colleges system involves the measurement and calculation of “Full-Time Equivalent Students” (FTES) for funding purposes. The basic attendance accounting requirements are intended to advance the following interests: equitable apportionment of state aid according to standards applicable to all districts; an appropriate return on expenditures for the state, districts, and students; effective instruction; and student safety.

The documentation requirements set forth in this subchapter have been developed to promote standardized, accurate reporting of data used to calculate the State general apportionment, and to facilitate audits of related community college records. Documentation described in this subchapter shall be available to district auditors, the Department of Finance, the State Auditor, the Chancellor’s Office, and relevant federal officials.

NOTE: Authority cited: Sections 66700, 70901 and 78401, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

### **NEW SECTION 58001 OF ARTICLE 1, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS ADOPTED TO READ:**

#### § 58001. Definitions.

The following definitions shall apply to the regulations contained in this chapter:

- (a) “Apportionment” means an allocation of state or federal funding, district tax revenue, or other moneys to community college districts or other governmental units.
- (b) “Attendance” or “attending” means active student participation in a course.
- (c) “Average number of students” is the mean of the number of students attending a course on each of two census dates (nearest to the completion of one-fifth and three-fifths of a course’s length).
- (d) “Census date” for credit courses means the day closest to the end of the first twenty (20) percent of a course’s length. Students in attendance on the census date may be claimed for apportionment.
- (e) “Class hour”, “contact hour” and “student contact hour (SCH)” for graded and ungraded classes mean a period of at least 50 consecutive minutes of scheduled instruction and/or examination (excluding passing time). A class scheduled for less than a single 50-minute period is not eligible for apportionment.
- (f) “Clock Hour” means a 60-minute time frame, which may begin at any time.
- (g) “Drop date” means the business day immediately preceding the census date. Instructors are required to clear the rosters of inactive enrollments on the drop date.
- (h) “Full-time equivalent student” or “FTES” means the 525 hours of student instruction (15 Class hours per week x traditional 35-week academic year = 525 hours) or its equivalent. One FTES can be generated by a single full-time student enrolled in 15 units or multiple part-time students.
- (i) “Immediate supervision” of off-campus work stations means the shared responsibility of an employer and a community college coordinator to ensure student participation in on-the-job training satisfies the requirements of a training agreement and a state-approved plan.
- (j) “Passing time” and “break” means the ten-minute segment that together with a class hour comprises a “clock hour,” referred to as “passing time,” “break,” etc. No additional attendance may be claimed for this 10-minute segment, except as provided for a multiple hour class. The 10-minute break time permitted in each clock hour may not be accumulated during a multiple hour class to be taken at the end of the class and be counted for FTES apportionment.
- (k) “Primary term means the fall and spring semesters for semester colleges, and the fall, winter, and spring quarters for quarter colleges. A primary term does not include summer courses or winter intersession courses.

NOTE: Authority cited: Sections 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

## **SECTION 58002 OF ARTICLE 1, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED.**

~~§ 58002. Change in Academic Year Terms.~~

~~Prior to any change in academic year terms, including the addition, deletion, shortening, or lengthening of any term, the governing board of a district shall request and obtain the approval of the Chancellor. The provisions of Subchapter 8 (commencing with Section 55700) of Chapter 6 shall govern the content, review, and approval of such requests.~~

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

## **SECTION 58003.1 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

### **§ 58003.1. Full-time Equivalent Student; Computation of Units.**

(a) Pursuant to the provisions of section 58051, the units of full-time equivalent student for apportionment purposes shall be computed for courses, including those delivered by distance education under article 1 (commencing with section 55200) of subchapter 3 of chapter 6, based on the type of course, the way the course is scheduled, and the length of the course.

(b) The governing board of each community college district shall, for each of its colleges or its district, select and establish a single primary term length for credit courses that are scheduled regularly with respect to the number of days of the week and the number of hours the course meets each week, inclusive of holidays. The units of full-time equivalent student of credit courses scheduled coterminously with the term, exclusive of independent study and work-experience education courses, shall be computed by multiplying the student contact hours of active enrollment as of Monday of the weeks nearest to one-fifth of the length of the term, unless other weeks are specified by the Chancellor to incorporate past practice, by the term length multiplier, and divided by 525. The term length multiplier for attendance accounting purposes shall be determined in accordance with this chapter, provided that the maximum multiplier for semester length terms shall be 17.5 and the maximum multiplier for quarter length terms shall be 11.67.

(c) For credit courses scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the college's primary term established pursuant to subdivision (b), or scheduled during the summer or other intersession, the units of full-time equivalent student, exclusive of independent study and work-experience education courses, shall be computed by multiplying the daily student contact hours of active enrollment as of the census days nearest to one fifth of the length of the course by the number of days the course is scheduled to meet, and dividing by 525.

(d) For credit courses scheduled to meet for fewer than five days, and all credit courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days, the units of full-time equivalent student,



exclusive of independent study and work-experience education courses, shall be computed by dividing actual student contact hours of attendance by 525.

(e) For all open entry-open exit credit courses and for all noncredit courses otherwise eligible for state aid, except those described in subdivision (f), the units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525.

(f) For distance education courses not computed using other attendance accounting procedures described in this section and for independent study, correspondence and work-experience education courses, the following alternative attendance accounting procedure shall be used:

(1) For credit courses, for purposes of computing full-time equivalent student only, one weekly student contact hour shall be counted for each unit of credit for which a student is enrolled in one of those courses. The full-time equivalent student of those courses shall be computed by multiplying the units of credit for which students are enrolled as of the census day prescribed in subdivision (b) or (c), as appropriate, for the primary term or intersession and duration for which the course is scheduled, by 17.5 for colleges on the semester system and by 11.67 for colleges on the quarter system and dividing by 525.

(2) For noncredit course sections covered by this subdivision, for purposes of computing full-time equivalent student only, weekly student contact hours shall be derived by counting the total hours of instruction or programming received by the students, plus instructor contact as defined in sections 55204 or 55234, plus outside-of-class work expected as noted in the course outline of record and approved by the curriculum committee, and dividing the total number of hours for the course thus derived by 54. Hours of instruction or programming received shall be independently verified by the instructor using a method or procedure approved by the district according to policies adopted by the local governing board as required by section 58030. Full-time equivalent student for such noncredit course sections shall be computed by:

(A) multiplying the average of the number of students actively enrolled in the section as of each census date (those dates nearest to one-fifth and three-fifths of the length of the course section) by,

(B) the weekly student contact hours as derived above in this section, by

(C) the primary term length multiplier of 17.5, and

(D) dividing by 525.

(g) Notwithstanding subdivisions (b) and (c) of this section, the units of full-time equivalent student for any credit course other than independent study, correspondence and work-experience education courses may, at the option of the district, be computed by dividing the actual student contact hours of attendance by 525. When a district chooses to exercise the option of computing attendance for any course section by the actual student

contact hours method, such method must be used consistently for all attendance accounting for that section.

(h) This section shall remain in effect only until June 30, 2025, and as of that date is repealed.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code.  
Reference: Sections 70901 and 84500, Education Code.

## **SECTION 58003.2 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED AND ADOPTED TO READ:**

~~§ 58003.2. Credit Courses; Full Term; Less Than Full Term.~~

~~(a) For the purposes of this Chapter, full time equivalent student (FTES) of students enrolled in any credit course, which is scheduled for the full term of a quarter or a semester, or for other sessions as approved by the Chancellor to meet the requirements of Section 58142, shall be computed pursuant to Section 58003.1.~~

~~(b) Notwithstanding the provisions of Section 58003.1, full time equivalent student (FTES) of students enrolled in any credit course, other than courses offered pursuant to Subsection (a) of Section 58051 or Section 58009.5, which is scheduled for a period of time other than the full term of a quarter or semester, or for other sessions approved for the purposes of Section 58142, shall be computed by dividing actual class hours of attendance by 525.~~

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

§ 58003.2 Full- Time Equivalent Student; Computation.

(a) Units of full-time equivalent students for apportionment purposes may be calculated using the “Standardized Attendance Accounting Method,” the “Actual Hours of Attendance (Positive Attendance) Method” or the “Alternative Method (Noncredit) Method”, described in this section.

(b) Standardized Attendance Accounting Method. For credit courses in a semester system, a multiplier of 18 credit hours shall be applied per unit of credit for lectures, and 54 credit hours shall be applied per unit of credit for labs. For credit courses in a quarter system, a multiplier of 12 credit hours shall be applied per unit of credit for lectures, and 36 credit hours shall be applied per unit of credit for labs. To calculate full-time equivalent students, the total standardized credit hours shall be multiplied by the number of students in attendance at census, and the product shall be divided by 525.

(c) Actual Hours of Attendance (Positive Attendance) Method. This methodology is based upon the count of students present at each course meeting. The units of full-time equivalent student shall be computed by dividing actual student contact hours of attendance by 525. This method shall apply to the following:

- (1) All open entry/open exit courses (including credit and noncredit);
- (2) All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (i)(2) of section 58003.1 and subdivision (d) of section 58003.2;
- (3) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.
- (4) All credit courses may, at the option of the district, be computed by dividing the actual hours of attendance by 525.
- (d) Alternative Attendance Accounting Method- (Noncredit). The Alternative Attendance Accounting Method (Noncredit) shall be used for all courses not computed using other attendance procedures described in this chapter. For purposes of computing full-time equivalent students only, weekly student contact hours shall be calculated by counting the total hours of instruction or programming received by the students, plus instructor contact as defined in sections 55204 or 55234, plus outside-of-class work expected as noted in the course outline of record and approved by the curriculum committee, and dividing the total number of hours for the course by 54. Hours of instruction or programming received shall be independently verified by the instructor using a method or procedure approved by the district according to policies adopted by the local governing board as required by section 58030. Full-time equivalent student for such noncredit course sections shall be computed by:
  - (A) multiplying the average of the number of students actively enrolled in the section as of each census date (those dates nearest to one-fifth and three-fifths of the length of the course section) by,
  - (B) the weekly student contact hours as derived above in this section, by
  - (C) the primary term length multiplier of 17.5, and
  - (D) dividing by 525.
- (e) Term Length Multiplier. District governing boards may establish and maintain single primary term lengths for credit courses, for those courses that are scheduled regularly, and meet for a consistent number of days and hours per week, inclusive of holidays. The term length multiplier shall be determined by counting each week in which at least three days of instruction or examination in term length courses are scheduled. The maximum term length multiplier for a semester length course shall be 17.5, and the maximum term-length multiplier for a quarter length course shall be 11.67.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code.  
Reference: Sections 70901 and 84500, Education Code.

**SECTION 58003.3 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS REPEALED AND ADOPTED TO READ:**

~~§ 58003.3. Apportionment for Noncredit Courses.~~

~~Notwithstanding section 68062 of the Education Code, for the purposes of crediting community college attendance for apportionments from the State School Fund, a community college district may claim the attendance of students living in California enrolled in noncredit courses in the district.~~

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

§ 58003.3. Apportionment for Noncredit Courses.

Students taking only noncredit courses are not subject to residency determination. Districts may claim apportionment for any noncredit courses taken by students living in California.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

**SECTION 58004 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58004. Application of Census Procedures.

(a) The census procedures specified in subdivisions (b) and (c) of section 58003.1 shall apply to all credit courses, except for work experience and independent study pursuant to subdivision (f) of section 58003.1, and subdivision (d) of 58003.2, and credit courses which are being reported on an actual hours of attendance basis pursuant to subdivision (g) of section 58003.1 and subdivision (c) of section 58003.2.

(b) The single primary term length census procedure specified in subdivision (b) of section 58003.1 shall be applied using the following:

- (1) The term length multiplier shall be determined by counting each week in which at least three days of instruction or examination in term length courses are scheduled.
- (2) Courses scheduled coterminous with the term are those courses scheduled to meet each week of the term, exclusive of final examination scheduling.
- (3) The census procedure specified in this subdivision may not be applied to any term shorter than ten weeks.

(c) Districts shall, according to procedures adopted by the governing board, clear the rolls of inactive enrollment. Inactive enrollment in a course is defined as follows:

As of each census day, any student who has

(1) Been identified as a no show, or

(2) Officially withdrawn from the course, or

(3) Been dropped from the course. A student shall be dropped if no longer participating in the course, except if there are extenuating circumstances. “No longer participating” includes, but is not limited to, excessive unexcused absences but must relate to nonattendance. “Extenuating circumstances” are verified cases of accidents, illness, other circumstances beyond the control of the student, and other conditions defined by the governing board and published in regulations. The “drop date” shall be the end of business of the day immediately preceding the census day.

(d) This section shall remain in effect only until June 30, 2025, and as of that date is repealed.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code.

Reference: Sections 70901 and 84500, Education Code.

## **NEW SECTION 58004.1 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS ADOPTED TO READ:**

§ 58004.1. Application of Census Procedures – Inactive Enrollment.

Districts shall, according to procedures adopted by the governing board, clear the rolls of inactive enrollment. Inactive enrollment in a course is defined as follows:

As of each census day, any student who has

(1) Been identified as a no show, or

(2) Officially withdrawn from the course, or

(3) Been dropped from the course. A student shall be dropped if no longer participating in the course, except if there are extenuating circumstances. “No longer participating” includes, but is not limited to, excessive unexcused absences related to nonattendance. “Extenuating circumstances” are verified cases of accidents, illness, other circumstances beyond the control of the student, and other conditions defined by the governing board and published in board policies. The “drop date” shall be the end of business of the day immediately preceding the census day.

NOTE: Authority cited: Sections 66700, 70901, 78401 and 84500, Education Code.

Reference: Sections 70901 and 84500, Education Code.

**SECTION 58006 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58006. Application of Actual Student Contact Hours of Attendance Procedure.

The actual student contact hours of attendance procedure is based upon a count of students present at each course meeting, and shall apply to:

- (a) All credit courses (exclusive of independent study, work experience and distance education courses computed using the alternative attendance accounting procedure described in subdivision (f) of section 58003.1 and subdivision (d) of section 58003.2) scheduled to meet for fewer than five days, or credit courses of five or more days which are scheduled irregularly with respect to the number of days of the week and the number of hours the course meets;
- (b) All open entry/open exit courses;
- (c) All noncredit courses otherwise eligible for state aid except those computed using the alternative attendance accounting method described in subdivision (f)(2) of section 58003.1 and subdivision (d) of section 58003.2;
- (d) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.
- (e) A district may use, but shall not be required to use, the actual student contact hours of attendance procedure for any other credit course, exclusive of independent study and work experience education courses, which it offers.
- (f) This section shall remain in effect only until June 30, 2025, and as of that date is repealed.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 84500, Education Code.

**SECTION 58007 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58007. Noncredit Courses.

Contact hours of enrollment in noncredit courses, except for noncredit courses using the alternative attendance accounting procedure described in subdivision (f)(2) of section 58003.1 and subdivision (d) of 58003.2, shall be based upon the count of students present at each course meeting. Full-time equivalent student in noncredit courses shall be computed by dividing the sum of contact hours of enrollment by 525, except for noncredit courses using the alternative attendance accounting procedure described in section 58003.1(f)(2) and subdivision (d) of 58003.2.

Nonresidents may be claimed for purposes of calculating full-time equivalent student only if they are living in California during the period of attendance and are otherwise eligible for such purposes as provided in this chapter.

This section shall remain in effect only until June 30, 2025, and as of that date is repealed.

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

**SECTION 58009 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58009. Application of Alternate Attendance Procedure for Independent Study, Correspondence, Work-Experience, and Certain Distance Education Courses.

a) For independent study, correspondence, ~~cooperative~~ work-experience education and distance education courses using the attendance accounting procedure specified in subdivision (f) of section 58003.1, one weekly student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census day prescribed in section 58003.1(b) or (c), except for independent study, correspondence, or distance education laboratory courses. For independent study, correspondence, or distance education laboratory courses, weekly student contact hours shall be equivalent to those which would be generated for the same student effort in a laboratory course computed pursuant to subdivisions (b) or (c) of section 58003.1 and that would correspond to traditional length (non-compressed) primary terms. For purposes of this section only, a “distance education laboratory course” means a distance education course which consists partly or exclusively of laboratory work.

(b) For credit courses, full-time equivalent student in courses described in subdivision (a) offered during primary terms is computed by multiplying the weekly student contact hours authorized pursuant to subdivision (a), generated as of the census date prescribed in section 58003.1(b) by 17.5 for colleges on the semester system and by 11.67 for colleges on the quarter system, and dividing by 525.

(c) For noncredit courses described in subdivision (a), full-time equivalent student is computed on a census basis as prescribed in section 58003.1(f)(2) and section 58003.2(d).

(d) Full-time equivalent student in credit courses described in subdivision (a) which are conducted during a summer or other intersession is computed by multiplying the weekly student contact hours, authorized pursuant to subdivision (a) of this section, generated in each course, by a course length multiplier that produces the same total weekly student contact hours for the same student effort as would be generated in such courses conducted in the primary terms, and dividing by 525.

(e) This section shall remain in effect only until June 30, 2025, and as of that date is repealed.



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

**SECTION 58009.5 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58009.5. Computation for Work-Experience Education Programs.

For the purposes of computing full-time equivalent student of community college students in ~~cooperative education or~~ work-experience education programs, the following provisions shall apply.

(a) One student contact hour is to be counted for each unit of ~~cooperative education or~~ work-experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and ~~cooperative education or~~ work-experience. The maximum contact hours counted for a student shall not exceed the maximum number of ~~cooperative education or~~ work-experience units for which the student may be granted credit under the rules and regulations of the Chancellor's Office.

(b) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the community college district under a state-approved plan, wherein the employer and the qualified community college coordinator share responsibility for on-the-job supervision.

(c) This subsection shall remain in effect only until June 30, 2025, and as of that date is repealed.

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

**SECTION 58010 OF ARTICLE 2, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58010. Reporting Date Procedures.

The governing board of each community college district shall report full-time equivalent student in accordance with the provisions of this subchapter ~~section 58003.4.~~

(a) Full-time equivalent student ~~in for courses using census procedure~~ summer courses may be reported in either the fiscal year in which the census day procedure is completed or in which the course ends.

If the summer, full-time equivalent student, reported by a district ~~as specified above,~~ impacts other districts' apportionment to the detriment of the system by maximizing the



district's reported FTES, and thereby resulting in the district's prior or succeeding year's reported FTES being less than its funded base FTES, the Chancellor shall have the authority to prescribe to the district the reporting of its summer FTES.

(b) For courses using actual student contact hours of attendance procedure, the full-time equivalent student shall be reported in the period immediately following the completion of the course, even if the course overlaps fiscal years.

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

## **SECTION 58020 OF ARTICLE 3, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58020. Census Day Procedure Tabulations.

(a) For each course section census week, as defined in section 58003.1(b), or each course section census day, as defined in section 58003.1(c), a separate tabulation is required ~~for each of the course categories using a census day procedure~~. Each tabulation shall provide a detailed listing for each course section as follows:

(1) Identification:

(A) Static course identifier code

(B) Section identifier code

(C) Title

(D) Method of instruction code

(2) Number of days the ~~daily census~~ course is scheduled to meet or number of weeks the weekly census course is scheduled to meet.

(3) Number of class hours each ~~daily census~~ course section is scheduled to meet on the census day or number of class hours each weekly census course is scheduled to meet during the census week.

(A) For other than independent study and work experience courses, each listing will include:

1. Regularly scheduled contact hours

2. Hours to be arranged (TBA)

3. Total contact hours scheduled per week

(B) For independent study and work experience courses each listing will include the range of units of credit allowed.

(4) Beginning and ending dates.

(5) Date of census days.

(6) An alphabetical list of each student actively enrolled in each course section indicating:

(A) Name (last, first, initial)

(B) Student identification code

(C) Residency category as specified on Form CCFS 320

(D) Scheduled contact hours per week or per day (or units of credit for which enrolled in independent study and work experience courses).

(b) Each tabulation shall also provide a grand total of student contact hours generated by residency category.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901, 84040 and 84040.5, Education Code.

**SECTION 58051.6 OF ARTICLE 5, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58051.6. Full-Time Equivalent Student: Adult Education for Inmates of City, County, or City and County Jail, Road Camp, Farm or Federal Correctional Facility.

(a) Notwithstanding sections 58050 and 58051.5(a)(3), the governing board of a community college district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults, or a federal correctional facility may include the units of full-time equivalent student generated in those classes and computed pursuant to section 58003.1 or 58003.2, for purposes of state apportionments. ~~However, apportionments for these units, whether generated in credit or noncredit courses, shall be limited to the lesser of either the district's prior year's level of funding or the noncredit apportionment rate as determined by the Chancellor, multiplied by the full-time equivalent student generated in such classes.~~

~~(b) Any courses conducted under this section shall conform to the criteria and standards adopted by the Board of Governors under section 70901 of the Education Code, and shall be submitted to the Board of Governors for approval.~~

NOTE: Authority cited: Sections 66700, 70901 and 84750, Education Code. Reference: Sections 84810.5 and 84750, Education Code.

**SECTION 58056 OF ARTICLE 5, SUBCHAPTER 1 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 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~~ or 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.

(4) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the community college district, wherein the employer and the qualified community college coordinator share responsibility for on-the-job supervision.

(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 1 (commencing with section 55200) of subchapter 3 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 article 4 (commencing with section 55250) of subchapter 3 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.

NOTE: Authority cited: Sections 66700, 70901 and 84500, Education Code. Reference: Sections 70901 and 84500, Education Code.

**SECTION 58164 OF ARTICLE 5, SUBCHAPTER 2 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:**

§ 58164. Open Entry/Open Exit Courses.

- (a) The term “open entry/open exit courses” refers to courses in which students enroll at various times, and complete at various times or at varying paces. Open entry/open exit courses may be conducted as either credit or noncredit courses and may be offered with or without regularly scheduled hours.
- (b) For open entry/open exit courses for which credit apportionment is claimed, one unit of credit shall be awarded for approximately 48 hours of recitation, study, or laboratory work. Increments of less than one unit of credit shall be awarded in the same proportion.
- (c) Where an open entry/open exit course provides supplemental learning assistance pursuant to section 58172, which supports another course or courses, the course outline of record for the open entry/open exit course must identify the other course or courses that it supports and the specific learning objectives to be addressed and the educational competencies students are to achieve.
- (d) Full-time equivalent student computations for enrollment in open entry/open exit courses shall be made pursuant to the provisions of subsection (e) of section 58003.1 or 58003.2(c).
- (e) The maximum number of hours a student may be enrolled in an open entry/open exit course shall be determined by the curriculum committee established pursuant to section 55002 based on the maximum time reasonably needed to achieve the educational objectives of the course.
- (f) State apportionment shall not be claimed under this section for:
  - (1) optional attendance at artistic or cultural presentations or events (such as, but not limited to, films, concerts, plays, or art exhibitions).

(2) activities which are primarily student use of district facilities, equipment, or resources without provision of instruction involving specifically defined learning objectives and educational competencies set forth in the course outline of record.

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

XXX