



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: September 9, 2014

SUBJECT: Attendance Accounting Regulations - In-service Training Instruction (Second Reading and Adoption)		Item Number: 2.2	
		Attachment: Yes	
CATEGORY:	Academic Affairs	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Erik Skinner, Deputy Chancellor	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: Changes are proposed to California Code of Regulations, title 5, sections 58006 and 58051 to allow community college districts more flexibility in computing attendance for public safety in-service training courses.

BACKGROUND: California community colleges provide instructional in-service training for police, fire, corrections, and other criminal justice agencies. This in-service training provides continued education, which enables agency employees to perform more efficiently and more safely, and is also essential in limiting liability in civil actions arising from employee activities. Some in-service training is mandated through various state or federal statutes and/or regulations. There are a limitless number of topics for in-service training including new laws, court decisions, internal policies and procedures.

Existing California Code of Regulations restricts the attendance accounting methodology for public safety in-service training provided by community colleges to the “positive attendance accounting procedure” under which actual hours are counted towards content mastery of a specific topic. The historical reason for this requirement is that some, but not all, public safety agencies responsible for establishing standards for in-service training require the calculation of the number of hours for in-service training courses. In order to support the standards imposed by these public safety agencies, the Board of Governors incorporated the positive attendance requirement in title 5 regulations. It is important to note that the rationale for this requirement was not rooted in educational quality or fiscal accountability for community colleges. In recent years, it has come to the attention of the

Chancellor’s Office that this attendance accounting restriction has the unintended consequence of limiting the ability of colleges to offer public safety in-service training using asynchronous distance education delivery in which students are able to take courses anytime from anywhere. This is because the title 5 requirement that asynchronously delivered distance education must use the “alternative attendance accounting procedure” based on the number of units of the course and not hours. As the use of distance education has expanded, public safety agencies are increasingly interested in utilizing a spectrum of educational modalities, including asynchronous models, for in-service training. Revisions to attendance accounting rules are necessary in order to allow this to occur.

ANALYSIS: The proposed change would remove the positive attendance accounting procedure restriction from title 5 regulations, enabling community colleges to use this method of attendance accounting for in-service courses where standards and regulations of the relevant public safety agencies allow it. However, proposed subdivision (g) of section 58051 specifically requires that the community college must adhere to applicable conduct of course and student attendance tracking requirement established under law, as well as, the state public safety agency responsible for adopting the in-service training standards in the in-service training area in which the student is licensed, certified or employed. This requirement makes clear, that regardless of the attendance accounting procedure used, the district will still be required to adhere to all applicable conduct of course and student attendance tracking requirements applicable to the particular public safety in-service training course for academic and other training documentation purposes. Thus, if the standards and regulations established by the relevant public safety agency for in-service courses require the calculation of hours for completion, colleges would be required to conduct those courses using the positive attendance accounting procedure.

The regulatory changes proposed for adoption are included as Attachment 1.

An analysis of the proposed changes is included as Attachment 2.

The proposed response to the comment received during the public comment period is included as Attachment 3.

RECOMMENDATION: The proposed regulations are presented to the Board of Governors for approval and adoption.

The Board of Governors is asked to adopt the following resolution:

Be it Resolved

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 66700, 70901(c) and 70901.5, hereby:

- accepts the comment and proposed response to the proposed regulatory action as set forth in Attachment 3;
- approves the proposed regulation changes;
- directs the Chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing, unless the Department of Finance determines the regulations would create a state-mandated local program cost and is unable to certify to the Board of Governors and the Legislature that a source of funds is available to reimburse that cost as set forth in Education Code section 70901.5(a)(6);
- authorizes the Chancellor to take any necessary ministerial action to process these regulations; and
- adopts the regulations effective thirty days after filing with the Secretary of State and submission of the regulations to the Office of Administrative Law.