NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING Instructional Materials

Notice published February 23, 2012

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on March 5-6, 2012, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 9:30 a.m., or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Njeri Griffin, 1102 Q Street, Sacramento, CA 95811-6549, ngriffin@cccco.edu, 916-445-8508, no less than five working days prior to the meeting. The Chancellor’s Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations. Please send your comments to:
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 regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from Steven Bruckman and will be mailed to those persons who submit written comments relevant to the proposed regulatory action, or who provide oral comments at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority:  Education Code sections 66700, 70901, 70901.5, 76365

Reference:  Education Code sections 70901, 70901.5, 70902, 76365

INFORMATIVE DIGEST

Current regulations need to be clarified to deal with an array of rapidly changing technologies in the delivery of instructional materials. Policies and regulations need to be updated to ensure that colleges can keep pace with these evolving technologies, while also protecting students from unreasonable costs.

On September 27, 2011, the Chancellor’s Office identified a broad range of stakeholders to serve on the Online Materials Fees Advisory Committee (OMFAC). The purpose of the advisory committee was to evaluate current practice and regulations related to the use of these materials within California community colleges and to make recommendations on possible changes to regulations or best practices that will be communicated to the field. Several meetings were held and the Educational Technical Advisory Committee (ETAC), all of whom are members of OMFAC, was tasked with finalizing the regulation amendments under the guidance
of the General Counsel. Changes were also proposed by the System Advisory Committee on Curriculum (SACC).

Required materials are those identified by the faculty to be essential to the success of the student for the course in which the student has enrolled. These materials can be textbooks, resource materials, safety clothing, clay for a ceramics course, etc. In general, the materials must have some use past the life of the course. Within these parameters, faculty is beginning to select materials that are electronic in nature. It was determined that by deleting the word “tangible” from the discussion, highly effective electronic resources would be available to students.

Further, the limitation provided with the amended language restricts the resource providers to making the resource available for up to a two-year period of time. In addition, instructional materials may not be those that are designed primarily for administrative purposes, class management, course management or supervision – tools that must be provided by the District.

**ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS**

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

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 effect of the adoption of the proposed regulations will not impose increased costs or new costs to community college districts that are required to be reimbursed under section 17561 of the Government Code. Such determination will be made a formal part of the public hearing at the time and place described above. Furthermore, there are no direct costs or indirect costs, or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.
CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Barry Russell, Vice Chancellor
Academic Affairs Division
California Community Colleges
Chancellor's Office
1102 Q Street, 3rd Floor
Sacramento, CA 95811-6549
Telephone: 916-322-6881
E-mail: mailto:brussell@cccco.edu

Inquiries concerning the regulatory process may be directed to Steven Bruckman, Executive Vice Chancellor of Operations and General Counsel at 916-445-4826 or legalaffairs@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

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

Those who receive the Board of Governors Agenda package for the March 5-6, 2012, meeting can find a further description of the proposal and the full text of the regulations in agenda item number 2.1.

You may also request a copy of the proposal from Steven Bruckman, using the contact information provided above.

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