

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2015-0203-02P</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
2015 FEB -3 AM 11:35 OFFICE OF ADMINISTRATIVE LAW			
AGENCY WITH RULEMAKING AUTHORITY Board of Governors of the California Community Colleges			AGENCY FILE NUMBER (If any)

**ENDORSED - FILED**  
 In the office of the Secretary of State  
 of the State of California

FEB 23 2015

11:16 am

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE N/A		TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Attendance Accounting - In-service Training Instruction	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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**2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)**

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 58006, 58051
	REPEAL 5

**3. TYPE OF FILING**

<input type="checkbox"/> Regular Rulemaking (Gov. Code § 11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code § 511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code § 511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

**4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1)****5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, § 100)**

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(e))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> § 100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>30 days after filed w/Secretary of State</b>
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**6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

**7. CONTACT PERSON**

Michelle Goldberg	TELEPHONE NUMBER 916-324-4711	FAX NUMBER (Optional) 916-322-9030	E-MAIL ADDRESS (Optional) mgoldberg@cccoco.edu
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**8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

January 29, 2015

TYPED NAME AND TITLE OF SIGNATORY

Erik Skinner, Executive Deputy Chancellor

ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES  
PROPOSED REVISIONS TO TITLE 5 REGULATIONS:  
ATTENDANCE ACCOUNTING – IN-SERVICE TRAINING INSTRUCTION

1. Section 58006(d) of article 2 of 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) 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;

~~(d) Inservice training courses in the areas of police, fire, corrections, and other criminal justice system occupations as defined in subdivision (c) of section 58051.~~

~~(d)~~ (e) The attendance of students other than indentured apprentices who are actively enrolled in apprenticeship courses of related and supplemental instruction.

~~(e)~~ (f) 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.

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

2. Section 58051 of article 5 of subchapter 1 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

**§ 58051. Method for Computing Full-Time Equivalent Student (FTES).**

(a)(1) Except as otherwise provided, in computing the full-time equivalent student of a community college district, there shall be included only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the district authorized to render service in the capacity and during the period in which he or she served.

(2)(A) A community college district may also include the attendance of students enrolled in approved courses or programs of independent study who are under the supervision, control, and evaluation, but not necessarily in the immediate presence, of an academic employee of the district who is authorized to render such service.

(B) The community college district shall determine the nature, manner, and place of conducting any independent study courses or program in accordance with the requirements of this section and article 3 (commencing with section 55230) of subchapter 3 of chapter 6.

(C) Each district conducting independent study courses shall ensure that the components of each independent study course or program for each student shall be set out in a written record or program, including the number of units (if applicable) and hours of study required, the arrangements for consultation with the instructor, and the work product to be evaluated.

(3) A community college district may also include the attendance of students enrolled in approved distance education in accordance with the provisions of article 1 (commencing with section 55200) of subchapter 3 of chapter 6.

(b) For the purpose of work-experience education programs meeting the standards of the Carl D. Perkins Career Technical Education Act of 2006 California State Plan (or any successor agreement related to career technical education), "immediate supervision" of off-campus work training stations means 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 academic school personnel share the responsibility for on-the-job supervision. The student/instructor ratio in the work-experience education program shall not exceed 125 students per full-time equivalent academic coordinator.

(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 subdivision (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 may be reported for state aid.

(e) Subdivision (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 subdivision (c), shall be maintained by each district. As a condition of claiming state apportionment, in addition to all other applicable apportionment eligibility requirements, for in-service training courses in the areas of police, fire, corrections, and other criminal justice occupations, community college districts conducting in-service training courses must adhere to all applicable conduct of course and student attendance tracking requirements prescribed by law and/or the state public safety agency responsible for adopting training standards in the in-service training course area in which the student is licensed, certified or employed. For purposes of claiming state apportionment, the units of full-time equivalent student shall be computed for courses consistent with the provisions of section 58003.1(a).~~

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