



TO: Chief Executive Officers
Chief Instructional Officers
Chief Student Services Officers
Chief Business Officers
de-all

FROM: Rebecca Ruan-O'Shaughnessy
Vice Chancellor, Educational Student Learning, Experience, and Impact Office

RE: Guidance for Distance Education Regulation Changes

This memorandum intends to provide guidance to support the implementation of amendments to sections [55005](#) of Article 1 of Subchapter 1 of Chapter 6 of Division 6, and sections [55200](#), [55204](#), [55206](#), and [55208](#) of Article 1 of Subchapter 3 of Chapter 6 of Division 6, of Title 5 of the California Code of Regulations.

The approved changes 1) align the California Code of Regulations to the [Code of Federal Regulations](#) and the [Federal Register](#) and 2) better support student success in online courses by including online course requirements in the publication of course standards .

The following information is meant to provide clarity and general guidance regarding each of the section amendments. These regulations are meant to be permissive. In other words, colleges have the freedom and should exercise their local authority and control to take actions in a way that remove student friction points and advance equitable student success, as long as these actions do not contradict the rules.

1. § 55005. PUBLICATION OF COURSE STANDARDS.

a. Summary of Changes to Section 55005

This amendment adds an additional requirement for colleges to disclose information about distance education courses to students prior to enrollment.

b. Guidance for Section 55005

For each course offered, “college publications” such as a college catalog, a schedule of classes, a student handbook, course outlines of record, or course syllabi must meet the requirements of part (a) through (e). The new subsection (e) requires colleges to publicize details regarding distance education courses so that students may make informed decisions about their education. Institutions must include, at a minimum, all applicable required information described in 55005(e)(1) through (e)(4).

Some colleges are already publishing the minimum requirements in terms of technology for all distance education classes. These colleges only need to list any additional technology requirements for a particular class to comply with this regulatory change. Additionally, to follow

the spirit of the law, if changes to the course are made after enrollment, the institution should still inform students in a timely manner.

2. § 55200. DEFINITION AND APPLICATION.

a. Summary of the Changes to Section 55200

The definition of distance education was revised to align with Federal regulations, renumbered, and expanded to include specific text defining “accessible”. References to related requirements were moved from the definition section and added to the notes of the authorities cited.

b. Guidance for Section 55200

The definition in 55200(a) includes the technologies listed in [34 CFR 600.2](#) and revised by [85 FR 54808, September 2, 2020](#). Institutions will not have to deviate from current practice as these methods of instruction are in line with the data captured already reported in the [Management Information System’s XF01 Session Instruction Method](#). The use of the term “other media” in 55200(a)(4) is a generic term to encompass a variety of media that may be used in addition to any of the technology mentioned in subsection 55200(a)(1) through (a)(3).

The addition of part (c) details what “accessible” means to a student in distance education. All students, including students with a disability, have equal access to information, resources, interactions, and technology on the first day of class. Care should be taken to ensure that access to required digital resources are easy to find, understandable, and students are able to use the resources at the start of class.

3. § 55204. INSTRUCTOR CONTACT.

a. Summary of the Changes to Section 55204

The responsibility of district governing boards is revised to ensure substantive interaction between instructors and students. Specifically, in Section 55204(a) “substantive interaction” replaced “effective contact” and added details regarding what those interactions may be. Section 55204(a) also adds specificity around “regular interaction” and introduces the importance of “academic engagement”.

b. Guidance for Section 55204

The changes to this section refine instructor contact and align to [34 CFR 600.2](#) and [85 FR 54808](#). Regular and substantive interaction are academic and professional matters pursuant to sections 53200 et seq., so colleges shall review local policies and practices and make appropriate updates to comply with the regulations.

In 55204(a), replacing “effective contact” with “substantive interaction” resolved a longstanding discrepancy between the federal and state regulations. “Substantive interaction” is defined as engaging students in teaching, learning, and assessment, consistent with the content under discussion, along with at least two of the options provided in section 55204(b) ([Updated Title 5 Regulations](#)). Local determinations about which interactions constitute substantive interactions and thus comprise a distance education course provides faculty with the most flexibility when designing courses. This is a minimum standard and district governing boards may have more stringent requirements.

Guidance for Distance Education Regulation Changes

April 18, 2023

The inclusion of the language “(and among students, if described in the course outline of record or distance education addendum)” in 55204 (a) provides flexibility for the instructors to determine the appropriate level of interaction between students based on the nature of the specific distance education course. While interaction among students is not required for distance education by Federal Regulations or Title 5, districts and colleges may already have or choose to establish local policies requiring such. In general, institutions are strongly encouraged to create inclusive and engaging online environments that empower learning and foster a sense of unconditional belonging and agency for students.

As part of regular interaction, “academic engagement” is a federal requirement ([34 CFR 600.2](#)).

4. § 55206. SEPARATE COURSE APPROVAL.

a. Summary of Changes to Section 55206.

This amendment adds a course outline of record as another document that may document how course outcomes and regular and substantive interaction will be achieved in a course with distance education as a method of instruction and how the course design and materials must be accessible to all students including students with disabilities.

b. Guidance for Section 55206

When engaging in course approval for distance education, institutions have the flexibility to choose which documentation they use to record the details about the course. This change incorporates the new changes to section 55200 and clarifies the requirements for institutions to consider how the course outcomes will be achieved, how regular and substantive interaction will be met, how the course design, and course materials to be accessible for all students, including students with disabilities. Districts retain their authority to locally approve distance education course outlines of record or addendums according to the district's adopted curriculum approval procedures.

5. § 55208. FACULTY SELECTION AND WORKLOAD.

a. Summary of Changes to Section 55208

This section was revised to include the added text defining distance education instructors as individuals responsible for delivering course content who meet the qualifications for instruction established by the institutions accrediting agency. This change is in line with Federal changes to distance education and clarified the tie to existing accreditation standards.

b. Guidance for Section 55208

The addition of text aligns with [34 CFR 600.2](#) and directs colleges to their accrediting agency. No changes were made to the minimum qualifications for instructors of credit courses (CCR § 53410). Please refer to the Accrediting Commission for Community and Junior Colleges [Policy on Distance Education and on Correspondence Education](#)) and the [Distance Education Accrediting Commission Accreditation Handbook](#) for additional guidance on instructor qualifications.

Additional Resources

In addition to the general guidance provided in the section above, there are many resources available that can help with the implementation of these new guidelines into any distance

Guidance for Distance Education Regulation Changes

April 18, 2023

learning curriculum. These resources can be found in [Attachment 1](#), along with a brief summary of each resource.

CC: Aisha Lowe, Vice Chancellor, Educational Services and Support
Valerie Lundy-Wagner, Vice Chancellor, Digital Innovation and Infrastructure