

RIVERSIDE COMMUNITY COLLEGE DISTRICT

Summary of Regulations for Regular and Effective/Substantive Contact for Distance Education

**Code of Federal Regulations – Title 34: Education #602.3 Also adopted by the
Accrediting Commission of Community and Junior Colleges (ACCJC), see ACCJC 2013
Guide, pp. 2-3.**

Definition of Correspondence Education

Correspondence Education (CE) means:

- (1) Education provided through one or more courses by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor;
- (2) Interaction between the instructor and the student is limited, is not regular and substantive, and is primarily initiated by the student;
- (3) Correspondence courses are typically self-paced; and,
- (4) Correspondence education is not distance education.

Definition of Distance Education (DE):

“Distance Education is defined, for the purpose of accreditation review, as a formal interaction which uses one or more technologies to deliver instruction to students who are separated from the instructor and which supports regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. Distance education often incorporates technologies such as the internet: one-way and two-way transmission through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; audio conferencing’ or video cassettes, DVDs, CD-ROMS, in conjunction with any other technologies.” (*ACCJC 2013 Guide, p. 2*)

The Commission (ACCJC) recognizes and embraces distance education as a convenient, flexible, and effective means of providing quality education. Many working students with multiple demands on their time find that distance education meets their needs better than campus-based education.

2. California Regulations:

California Code of Regulations, Title 5 and Chancellor’s Office of the California Community Colleges, Distance Education Guidelines (2008)

Title 5 §55200. Definition and Application.

Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education is subject to the general requirements of this chapter as well as the specific requirements of this article. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the Americans with Disabilities Act (42 U.S.C. §12100

Regular and Effective/Substantive Contact for Distance Education (RCCD)

et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. §794d).

CCCCO Guideline for Section §55200.

Ensuring that distance education courses, materials and resources are accessible to students with disabilities is a shared institutional responsibility. Faculty need to receive appropriate training in order to ensure that they understand what constitutes accessibility, and institutions must provide faculty with both the necessary training and resources to ensure accessibility. The Americans with Disabilities Act of 1990 (42 U.S.C. 12100 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), and California Government Code section 11135 all require that accessibility for persons with disabilities be provided in the development, procurement, maintenance, or use of electronic or information technology by a community college district using any source of state funds. (See Legal Opinion M 03-09). Title 5, section 55200 explicitly makes these requirements applicable to all distance education offerings.

Title 5 §55202. Course Quality Standards.

The same standards of course quality shall be applied to any portion of a course conducted through distance education as are applied to traditional classroom courses, in regard to the course quality judgment made pursuant to the requirements of section 55002, and in regard to any local course quality determination or review process. Determinations and judgments about the quality of distance education under the course quality standards shall be made with the full involvement of faculty in accordance with the provisions of subchapter 2 (commencing with section 53200) of chapter 2. NOTE: Authority cited: Section 66700 and 70901, Education Code. References: Sections 70901 and 70902, Education Code.

CCCCO Guideline for Section §55202.

This section emphasizes the extent to which course quality depends upon the full involvement of faculty in the design and application of DE courses. It discusses course quality standards for distance education and combines language formerly found in sections 55207 and 55209 that it replaces. Language is added to clarify that normal course quality standards apply to any portion of a course conducted through distance education.

Title 5 §55204. Instructor Contact.

In addition to the requirements of section §55002 and any locally established requirements applicable to all courses, district governing boards shall ensure that:

- (a) Any portion of a course conducted through distance education includes regular effective contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact correspondence, voice mail, e-mail, or other activities. Regular effective contact is an academic and professional matter pursuant to sections 53200 et seq.
- (b) Any portion of a course provided through distance education is conducted consistent with guidelines issued by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors. NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

CCCCO Guideline for Section §55204.

This section defines what contact must be maintained between instructor and student. It is virtually identical to section 55211 that it replaces, except that language has been added to clarify that rules related to conduct of distance education and effective instructor

contact apply to any portion of a course conducted through distance education.

Subdivision (a) stresses the responsibility of the instructor in a DE course to initiate regular contact with enrolled students to verify their participation and performance status. The use of the term “regular effective contact” in this context suggests that students should have frequent opportunities to ask questions and receive answers from the instructor of record.

The last published *Distance Education Guidelines*, March 2004, issued by the Chancellor pursuant to section 409 of the *Procedures and Standing Orders of the Board of Governors*, as referenced in subdivision (b), establishes the principle that for DE courses there are a number of acceptable interactions between instructor and student, not all of which may require in-person contact. Thus, districts and/or colleges will need to define “effective contact” including how often, and in what manner instructor-student interaction is achieved. It is important to document regular effective contact and how it is achieved. Since regular effective contact was declared an academic and professional matter, this documentation must include demonstration of collegial consultation with the academic senate, for example through its delegation to the local curriculum committee. A natural place for this to occur is during the separate course approval process (see section 55206) as well as during faculty evaluations, student surveys, and program review. Documentation should consist of the inclusion of information in applicable outlines of record on the type and frequency of interaction appropriate to each DE course/section or session. Local policies should establish and monitor minimum standards of regular effective contact.

Accrediting Commission for Community and Junior Colleges (ACCJC)—ACCJC Guide to Evaluating Distance Education and Correspondence Education, June 2013 edition.

Note: Some of the questions posed in the ACCJC Guide 2013 are addressed through these four RCCD/College documents [1 – 4]. Questions below are extracted as samples of the level of scrutiny the college needs to maintain to be compliant. Distance Education faculty are encouraged to read the ACCJC Guide 2013 in its entirety:

Standard I.B.1. Questions: What parties are involved in the institution’s [ongoing, collegial, self-reflective] dialog about the continuous improvement of student learning through DE mode and how it compares with student learning in traditional programs? How is this dialog organized and communicated?

Standard I.B.3. Questions: Does the college have separate processes for the planning, approval, evaluation, and review of courses offered in DE mode...? ...How are these processes integrated into the college’s overall planning process? In the college knowledgeable about current federal regulations related to DE?

Standard I.B.7. Questions: What mechanism does the institution use to gather evidence about the effectiveness of DE learning programs and related student learning and support services? Are they different from the mechanisms applied for review of traditional

programs and services? How effectively do evaluation processes and results contribute to improvement of DE programs, related library and other student support and learning services?

Standard II.A.1. Questions: How does the institution ensure that its DE programs and services are of high quality, comparable with the institution's face-to-face offering, and appropriate to an institution of higher education?

Standard II.A.1.a. Questions: Is there a policy that defines "regular and substantive interaction" for DE courses? (C.F.R. § 602.3)

Standard II.A.1.b. Questions: ...Is the level of effectiveness for facilitating student learning different from traditional delivery modes?

Standard II.A.1.c. Questions: If the institution uses course materials developed outside the institution for its programs offered in DE format, how are these materials assessed, and how does the institution ensure that the academic standards are comparable with its other programs?

Standard II.A.2.a. Questions: What is the role of faculty and how is discipline expertise or teaching knowledge and expertise in the field of DE used for establishing the quality of these courses?

Standard II.A.1.b. Questions: Has the college established advisory committees with expertise in DE, and if so, what is their role?

Standard II.A.1c. Questions: What teaching methodologies are commonly used in DE programs? How are methodologies selected? Do faculty discuss the relationship between the selected teaching methodologies and student performance?

Standard II.A.1e. Questions: How does the college evaluate the effectiveness of its courses and programs offered in DE mode? Is the process similar to courses and program offered in traditional mode? What is the rationale?

Standard III.A.5. Questions: What professional development activities relevant for DE personnel does the institution support and/or provide? How does the institution determine the professional needs of it personnel involved in DE? What professional development programs on teaching and learning methodologies in DE does the institution provide?

RIVERSIDE COMMUNITY COLLEGE DISTRICT

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Definition of Correspondence Education

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- (3) Correspondence courses are typically self-paced; and,
- (4) Correspondence education is not distance education.

Definition of Distance Education (DE):

Distance Education means:

Education that uses one or more of the technologies listed in paragraphs (1) through (4) to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include:

1. The Internet;
2. One-way and two-way transmissions through open broadcast, closed circuit, cable microwave, broadband lines, fiber optics, satellite, or wireless communications devices
3. Audioconferencing; or
4. Video cassettes, DVDs, and CD-ROMS, if the cassettes, DVDs, and CD-ROMS are used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3)

(ACCJC 2012 Policy, p.1)

2. California Regulations:

California Code of Regulations, Title 5 (amended 2019) and Chancellor's Office of the California Community Colleges, Distance Education Guidelines (2008)

Title 5 §55200. Definition and Application.

Distance education means instruction in which the instructor and student are separated by time and/or distance and interact through the assistance of technology. All distance education is subject to the general requirements of this chapter as well as the specific requirements of this article. In addition, instruction provided as distance education is subject to the requirements of the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d).

CCCCO Guideline for Section § 55200.

Ensuring that distance education courses, materials and resources are accessible to students with disabilities is a shared institutional responsibility. Faculty need to receive appropriate training in order to ensure that they understand what constitutes accessibility, and institutions must provide faculty with both the necessary training and resources to ensure accessibility. The Americans with Disabilities Act of 1990 (42 U.S.C. 12100 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), and California Government Code section 11135 all require that accessibility for persons with disabilities be provided in the development, procurement, maintenance, or use of electronic or information technology by a community college district using any source of state funds. (See Legal Opinion M 03-09). Title 5, section 55200 explicitly makes these requirements applicable to all distance education offerings.

Title 5 §55202. Course Quality Standards.

The same standards of course quality shall be applied to any portion of a class conducted through distance education as are applied to in-person classes, in regard to the course quality judgment made pursuant to the requirements of section 55002, and in regard to any local course quality determination or review process. Determinations and judgments about the quality of distance education under the course quality standards shall be made with the full involvement of faculty in accordance with the provisions of subchapter 2 (commencing with section 53200) of chapter 2. Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

CCCCO Guideline for Section § 55202.

This section emphasizes the extent to which course quality depends upon the full involvement of faculty in the design and application of DE courses. It discusses course quality standards for distance education and combines language formerly found in sections 55207 and 55209 that it replaces. Language is added to clarify that normal course quality standards apply to any portion of a course conducted through distance education.

Title 5 §55204. Instructor Contact.

In addition to the requirements of section 55002 and any locally established requirements applicable to all courses, district governing boards shall ensure that:

- (a) Any portion of a course conducted through distance education includes regular effective contact between instructor and students, and among students, either synchronously or asynchronously, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, voice mail, e-mail, or other activities. Regular effective contact is an academic and professional matter pursuant to sections 53200 et seq.
- (b) Any portion of a course provided through distance education is conducted consistent with guidelines issued by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

CCCCO Guideline for Section § 55204.

This section defines what contact must be maintained between instructor and student. It is virtually identical to section 55211 that it replaces, except that language has been added to clarify that rules related to conduct of distance education and effective

Regular and Substantive Contact for Distance Education (RCCD)

instructor contact apply to any portion of a course conducted through distance education.

Subdivision (a) stresses the responsibility of the instructor in a DE course to initiate regular contact with enrolled students to verify their participation and performance status. The use of the term “regular effective contact” in this context suggests that students should have frequent opportunities to ask questions and receive answers from the instructor of record.

The last published *Distance Education Guidelines*, March 2004, issued by the Chancellor pursuant to section 409 of the *Procedures and Standing Orders of the Board of Governors*, as referenced in subdivision (b), establishes the principle that for DE courses there are a number of acceptable interactions between instructor and student, not all of which may require in-person contact. Thus, districts and/or colleges will need to define “effective contact” including how often, and in what manner instructor-student interaction is achieved. It is important to document regular effective contact and how it is achieved. Since regular effective contact was declared an academic and professional matter, this documentation must include demonstration of collegial consultation with the academic senate, for example through its delegation to the local curriculum committee. A natural place for this to occur is during the separate course approval process (see section 55206) as well as during faculty evaluations, student surveys, and program review. Documentation should consist of the inclusion of information in applicable outlines of record on the type and frequency of interaction appropriate to each DE course/section or session. Local policies should establish and monitor minimum standards of regular effective contact.

Title 5 §55206. Separate Course Approval.

If any portion of the instruction in a new or existing course is to be provided through distance education, an addendum to the official course outline of record shall be required. In addition to addressing how course outcomes will be achieved in a distance education mode, the addendum shall at a minimum specify how the portion of instruction delivered via distance education meets:

- (a) Regular and effective contact between instructors and students and among students as referenced in title 5, section 55204(a), and
- (b) Requirements of the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 749d)

The addendum shall be separately approved according to the district's adopted curriculum approval procedures.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

CCCCO Guideline for Section 55206

This section has been revised to clarify that separate approval of a DE course is required if any portion of the instruction in a course or course section is designed to be regularly provided through distance education in lieu of face-to-face interaction. While only those courses that are 51% or more DE are reported as DE, the language here is intended to clarify that those courses that are less than 51% DE, but are designed to

include a certain number of contact hours offered through DE, still must undergo a separate approval process. The occasional online assignment does not necessitate separate approval. In making use of the existing local curriculum approval process, there must be documentation of “regular effective contact” as described in section 55204 consistent with local policy. For this reason, a course with any portion of a course section provided through DE in lieu of face-to-face instruction should be separately reviewed.

Title 5 §55208. Faculty Selection and Workload.

- (a) Instructors of course sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the [h] section 53410) of subchapter 4 of chapter 4, and with the list of discipline definitions and requirements adopted by the Board of Governors to implement that article, as such list may be amended from time to time.
 - (b) Instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements.
 - (c) The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered in whole or in part by distance education may include a review by the curriculum committee established pursuant to section 55002(a)(1).
 - (d) Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.
- Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

CCCCO Guidelines for 55208

This section emphasizes that faculty delivering DE courses should meet the same minimum qualifications and be selected in the same manner as faculty teaching non-DE courses.

Title 5 §55210. Ongoing Responsibility of Districts.

If a district offers one or more courses or course sections in which instruction is provided through distance education for at least 51 percent of the hours of instruction in the course or course section, the district shall:

- (a) Maintain records and report data through the Chancellor's Office Management Information System on the number of students and faculty participating in new courses or sections of established courses offered through distance education;
- (b) Provide to the local governing board, no later than August 31st of each year, a report on all distance education activity;
- (c) Provide other information consistent with reporting guidelines developed by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

CCCCO Guidelines for 55210

Districts offering DE courses, where 51% or more of the instruction in a course are offered using DE, are required regularly to report all management information system (MIS) elements to the Chancellor's Office Management Information System Division. To fulfill this MIS reporting requirement, districts will need to ensure that data now regularly reported on each session's method of instruction within data element XFO1: "Session Instruction Method" are reliably differentiated between DE and non-DE.

This section also requires districts to report annually all DE activity to their local governing board and respond to any Chancellor's Office request for data on DE which includes the Annual Institutional Survey and the DE Faculty and Student Satisfaction Surveys. To the extent possible, local reports should compare and contrast DE to traditional instructional delivery. The Chancellor's Office will continue electronically to provide all surveys and information regarding timelines, formats, and the reporting instrument annually for the Institutional, Faculty and Student Satisfaction surveys. The results of the annual surveys will be available on the Chancellor's Office (CO) website. The surveys consist of questions relevant to distance education courses/programs offered at CCC campuses. Based on input from the technical advisory committee referenced in the Board of Governors Standing Order 409, the Chancellor may require districts to provide additional information.

Distance Education and Correspondence Education
From the ACCJC Checklist for Evaluating Compliance with Federal Regulations and Related Commission Policies (pp. 5 – 6)

Evaluation Items:

- The institution has policies and procedures for defining and classifying a course as offered by distance education or correspondence education, in alignment with USDE definitions.
- There is an accurate and consistent application of the policies and procedures for determining if a course is offered by distance education (with regular and substantive interaction with the instructor, initiated by the instructor, and online activities are included as part of a student's grade) or correspondence education (online activities are primarily "paperwork related," including reading posted materials, posting homework and completing examinations, and interaction with the instructor is initiated by the student as needed).
- The institution has appropriate means and consistently applies those means for verifying the identity of a student who participates in a distance education or correspondence education course or program, and for ensuring that student information is protected.
- The technology infrastructure is sufficient to maintain and sustain the distance education and correspondence education offerings.
- The institution demonstrates compliance with the *Commission Policy on Distance Education and Correspondence Education*.

Policy

Commission policy specifies that all learning opportunities provided by accredited institutions must have equivalent quality, accountability, and focus on student outcomes, regardless of mode of delivery. This policy provides a framework that allows institutions the flexibility to adapt their delivery modes to the emerging needs of students and society while maintaining quality. Any institution offering courses and programs through distance education or

Regular and Substantive Contact for Distance Education (RCCD)

correspondence education is expected to meet the requirements of accreditation in each of its courses and programs and at each of its sites.

Policy Elements

- Development, implementation, and evaluation of all courses and programs, including those offered via distance education or correspondence education, must take place within the institution's total educational mission.
- Institutions are expected to control development, implementation, and evaluation of all courses and programs offered in their names, including those offered via distance education or correspondence education.
- Institutions are expected to have clearly defined and appropriate student learning outcomes for all courses and programs, including those delivered through distance education or correspondence education.
- Institutions are expected to provide the resources and structure needed to accomplish these outcomes and to demonstrate that their students achieve these outcomes through application of appropriate assessment.
- Institutions are expected to provide the Commission advance notice of intent to initiate a new delivery mode, such as distance education or correspondence education, through the substantive change process.
- Institutions are expected to provide the Commission advance notice if intent to offer a program, degree or certificate in which 50% or more of the courses are via distance education or correspondence education, through the substantive change process. For purposes of this requirement, the institution is responsible for calculating the percentage of courses that may be offered through distance or correspondence education.
- Institutions which offer distance education or correspondence education must have processes in place through which the institution establishes that the student who registers in a distance education or correspondence course or program is the same person who participates every time in and completes the course or program and receives the academic credit. This requirement will be met if the institution verifies the identity of a student who participates in class or coursework by using, at the institution's discretion, such methods as a secure log-in and password, proctored examinations, other technologies and/or practices that are developed and effective in verifying each student's identification. The institution must also publish policies that ensure the protection of student privacy and will notify students at the time of class registration of any charges associated with verification of student identity. 34 C.F.R. §602.17(G).

[Regulation citations: 602.16(a)(1)(iv), (vi); 602.17(g); 668.38.]