

Proposed Revisions to Title 5, California Code of Regulations related to Flexible Calendar (Second Reading)

This document contains underline and stricken text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations, ~~stricken~~ text denotes deletions from existing regulations. This document may also contain double underline and ~~double strikeout~~ to indicate a new change to the text for second reading.

Section 55720 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55720. Operating Under Flexible Calendar; Accountability of Employees; Professional Learning Activities.

(a) Subject to the approval of the Chancellor pursuant to section 55724, a community college district may designate an amount of time in each fiscal year for all employees, including full-time faculty, part-time faculty, classified staff, student employee, and administrators, to ~~conduct~~ engage in professional learning staff, student, and instructional improvement activities. These activities may ~~be conducted~~ occur at any time during the fiscal year. The time designated for these activities shall be known as “flexible time.”

(b) A district with an approved flexible calendar may designate as flexible time for ~~an employee~~ full-time faculty not more than 8.57 percent of that employee's contractual obligation for hours of ~~classroom instruction~~ service which are eligible for state apportionments in that academic year, exclusive of any intersessions.

(c) Under no circumstances may a district operate a flexible calendar program which results in an academic calendar which would be inconsistent with the requirements of subdivision (b) of section 55701.

Note: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Sections 70901 and 84890, Education Code.

Section 55724 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55724. Request for Approval.

(a) The governing board of a district wishing to conduct a flexible calendar pursuant to this article shall obtain the advance approval of the Chancellor. The request for approval shall be on a form provided by the Chancellor, and shall address at least the following:

(1) A complete description of the calendar configuration.

(2) The number of days of instruction and evaluation which will meet the requirements of the 175-Day Rule (Section 58120 of this part).

(3) The number of days during which ~~instructional staff~~ full-time faculty, part-time faculty, classified staff, student employee, and administrators will participate in ~~staff, student, and~~

~~instructional improvement~~ professional learning activities in lieu of ~~part of the institution~~ holding regular classroom instruction.

(4) The activities which college personnel will be engaged in during their ~~designated staff, student and instructional improvement~~ professional learning days. Activities Institutional service or professional learning activities for college personnel may also include, but need not be limited to, the following:

(A) evaluation of course instruction and evaluation;

(B) staff development, in-service training and instructional service improvement;

(C) ~~program and course curriculum or~~ and learning resource development, and evaluation, and redesign to better meet the needs of students and improve student outcomes;

(D) student ~~personnel~~ engagement and learning resource services;

(E) ~~learning resource services~~ engagement in governance activities focused on student success;

(F) related activities, such as ~~student advising, guidance, orientation, matriculation services, and student, faculty, and staff diversity~~ evaluation and improvement of college and/or district services to students and communities served;

(G) ~~departmental, or divisional, or institutional~~ meetings, conferences and workshops, and institutional research;

(H) other duties as assigned by the district;

(I) the necessary supporting activities for the above;

(5) A certification that all college personnel, as defined, will be involved in at least one of the activities authorized in subsection (4). For the purposes of this section, "all college personnel" shall include any district employee specified by the district in its approved plan to participate in such activities; and

(6) A certification that the district will fully implement the provisions of Section 55730, as well as a description of the current status of such implementation, and a timetable for completion of the initial implementation.

(b) The Chancellor shall approve a request which is found to be complete and meets the requirements of law.

Note: Authority cited: Sections 66700, 70901 and 84890, Education Code.

Section 55726 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55726. Activities During Designated Days.

~~(a) For each instructor specified by the district to participate in staff, student, and instructional improvement activities in lieu of classroom instruction the district shall enter into an agreement with such employee specifying the particular activities during the designated days which the instructor will perform in lieu of classroom instruction. The~~

agreement shall also specify the number of classroom hours which are being substituted with such activities, and the number of hours the instructor is required to spend carrying out the in-lieu-of-instruction activities. The required hours of in-lieu-of-instruction activities must at least be equal to the sum of the classroom hours from which the instructor is released plus those out-of-classroom hours of responsibilities which will no longer need to be performed as the result of being released from classroom instruction.

(a) For each full-time faculty, part-time faculty, classified, student employee, or administrative employee specified by the district to participate in professional learning activities, the district shall enter into an agreement with such employees specifying the following:

(1) the professional learning activities the employees will perform in lieu of normal job duties during the designated days;

(2) the number of hours of normal job duties being substituted with the professional learning activities; and

(3) the number of hours the employee is required to spend on the professional learning activities, which must be at least equal to the number of total work hours from which the employee is released.

(b) For each employee specified by the district to participate in ~~staff, student and instructional improvement~~ professional learning activities during the designated days, the district shall also maintain records on the type and number of activities assigned, and the number of such employees participating in ~~these~~ those activities.

Note: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

Section 55728 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55728. Flexible Calendar Attendance Reporting.

(a) On forms provided by the Chancellor, districts with approved flexible calendar operations shall report at least the following:

(1) the total hours of classroom assignments (~~teaching instructional time~~) ~~which instructors that full-time faculty and part-time faculty~~ specified in the district's approved plan were required to ~~teach~~ provide instruction;

(2) of the total in ~~§~~ subsection (a)(1), the total faculty contact hours of instruction for which ~~staff, student, and instructional improvement~~ professional learning activities are being substituted. This total of faculty contact hours shall further be reported in terms of credit and noncredit faculty contact hours of instruction; and

(3) the number of faculty contact hours of instruction for which instruction during the designated days is being substituted. Such instruction during the designated days meeting the attendance accounting standards may be claimed for apportionment; and the faculty contact hours shall not be eligible for adjustment pursuant to Section 55729.

(b) Districts with approved flexible calendar operations shall also report such additional data as deemed necessary by the Chancellor, including any data necessary to compute the FTES adjustment specified in Section 55729.

Note: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

Section 55729 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55729. Full-Time Equivalent Student (FTES) Units; Adjustments to Reflect Activities; Computation by Multiplier Factor.

(a) The Chancellor's Office shall adjust the actual units of full-time equivalent student (FTES) of a district operating under a plan approved in accordance with this article to reflect the conduct of ~~staff, student, and instructional improvement~~ professional learning activities in lieu of scheduled instruction during flexible time. The adjusted units of ~~full-time equivalent student FTES~~ FTES shall be computed by multiplying the actual units of ~~full-time equivalent student FTES~~ FTES in the academic year, exclusive of any intersessions, computed pursuant to section 58003.1, by a factor which does not change the ~~full-time equivalent student FTES~~ FTES which would have otherwise been generated if the time for the professional learning improvement activities had not been permitted and scheduled instruction had instead taken place.

(b) For courses other than those described in subdivision (b) of section 58003.1, the multiplier factor shall equal the sum of the following:

(1) 1.0; and

(2) the total of all the actual hours of flexible time of all instructors pursuant to section 55720 in the fiscal year, divided by the total of all the actual hours of classroom instruction of all instructors in the academic year, exclusive of any intersessions.

(c) For those courses described in subdivision (b) of section 58003.1, this multiplier factor shall equal the term length multiplier applicable to the district.

(d) The Chancellor shall also withhold the appropriate amount of state aid whenever there is a final audit finding that an instructor did not spend at least as much time performing ~~staff, student, and instructional improvement~~ professional learning activities as the amount of time ~~he or she was~~ they were released from classroom instruction.

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

Section 55730 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55730. Ongoing Responsibilities of Districts.

A district conducting an approved flexible calendar shall do all of the following to ensure effective use of resources during the designated flexible calendar days (flex days):

- (a) ~~every three years~~, conduct and ~~annually~~ update a survey of the most critical ~~staff, student, and instructional improvement~~ professional learning needs in the district;
- (b) develop and carry out a plan of activities to address the critical needs;
- (c) maintain records on the description, type and number of activities scheduled and the number of district employees ~~and students~~ participating in ~~these~~ those activities;
- (d) evaluate annually the effectiveness of conducted activities and update the plan to reflect needed changes;
- (e) appoint and hold regular meetings of an advisory committee composed primarily of faculty, ~~students, administrators~~ with **adequate** representation from other employee groups and other interested persons to make recommendations on ~~staff, student, and instructional improvement~~ professional learning activities **to the college president or chief executive officer**; and
- (f) provide, upon request of the Chancellor, copies of documents and information specified in ~~S~~subsections (a) through (d), inclusive.

Note: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.

Section 55732 of Article 2 of subchapter 8 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations is amended to read:

§ 55732. Ongoing Responsibilities of the Chancellor.

The Chancellor shall:

- (a) Adjust state aid for districts with approved flexible calendar operations in accordance with the provisions of section 55729;
- (b) Periodically review documentation from selected districts to determine whether they are in compliance with the provisions of ~~sections 55720, 55726, 55728, and 55730~~ this article, and to determine whether they are conducting their flexible calendar operations in a manner consistent with the approved requests. Districts which are found to be out of compliance shall be notified and be given an opportunity to respond; and
- (c) Terminate approval of any flexible calendar operation if it is found that the district has, without good cause, failed to conduct its flexible calendar operation in a manner consistent with its approved request or failed to comply with any of the requirements of this article.
 - ~~(1) failed to conduct its flexible calendar operation in a manner consistent with its approved request;~~
 - ~~(2) failed to comply with the requirements of section 55720;~~
 - ~~(3) failed to carry out the responsibilities specified in section 55726; or~~
 - ~~(4) failed to meet its ongoing responsibilities as specified in section 55730.~~

Note: Authority cited: Sections 66700, 70901 and 84890, Education Code. Reference: Section 84890, Education Code.



**15-DAY NOTICE OF MODIFICATIONS TO PROPOSED REGULATORY ACTION
REGARDING
FLEXIBLE CALENDAR**

15-Day Notice published October 29, 2024

The Board of Governors of the California Community Colleges hereby provides notice of changes to the above-referenced proposed regulatory action that was the subject of a public hearing on September 23, 2024. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to re-notice a proposed regulatory action where the proposed regulations have been previously considered, are being modified, and the modifications are substantial and sufficiently related to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

Following the 45-day comment period that ended on October 21, 2024, and the September 23, 2024, Board meeting, changes were made to this regulatory action in proposed section 55730, subsection (e). The California Community Colleges Chancellor's Office will present this regulatory action to the Board of Governors at its November 18, 2024 meeting. The changes are submitted for an additional 15-day comment period effective today, October 29, 2024.

The changes to the proposed regulatory action are denoted by double underline for additions to the text and ~~double-strikeout~~ for deletions from the text.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to this 15-day notice. The Chancellor's Office will respond to comments received that are related to the revisions made to title 5, California Code of Regulations, section 55730, subsection (e) after the close of the 15-day comment period. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 636
Sacramento, CA 95811-6549
Email: regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on November 13, 2024. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO THE PROPOSED REGULATORY ACTION

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text.

INFORMATIVE DIGEST

Professional learning has historically been designed for the benefit of instructional faculty. The proposed regulatory changes expand professional learning to all district employees, and also identify professional learning activities and establish various reporting obligations.

In response to comments received during the 45-day public comment period, which ended on October 21, 2024, the Chancellor's Office recommends the following revision to the proposed regulatory action:

Section 55730, subsection (e) is further revised to clarify that the advisory committee required to be convened under this section should have "adequate" representation from other employee groups and interested persons rather than be rigidly composed of specific groups. The language has also been revised to specify that the recommendations made by the committee should go to the college president or chief executive officer.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The changes made to the regulatory text after the 45-day public comment period are simply clarifying of the existing obligations specified in Section 55730, subdivision (e) and do not impose any new cost-bearing obligations. Accordingly, 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, of 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*

CONTACT PERSON

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

John Stankas, Vice Chancellor
California Community Colleges
Chancellor's Office
Regcomments@cccco.edu

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the proposed regulatory action subject to this 15-day notice are attached as noted above. Information upon which the proposal is based may be obtained online at:

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the November 18, 2024, meeting can find a further description of the proposal and the full text of the regulations. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.