Administrative Procedure
Chapter 4 – Academic Affairs

AP 4610 INSTRUCTIONAL SERVICE AGREEMENTS

References:

Education Code Sections 78015 and 84752;
Title 5 Sections 51006, 53410, 55002, 55003, 55005, 55300-55302, 55600 et seq., 58051 subdivisions (c) – (g), 58051.5, 58055, 58056, 58058 subdivision (b), and 58102-58108

Responsibilities

The Vice President, Academic Affairs, shall administer these procedures.

Procedure

The Long Beach Community College District may enter into an instructional service agreement with a public or private agency ("Agency") for the purpose of providing instruction and training. The responsibilities of the District and the Agency under the instructional service agreement shall be set forth in a written contract in compliance with BP/AP 6340 Bids and Contracts.

The District shall comply with the requirements of Title 5 Sections 55230-55232 concerning approval by adjoining high school or community college districts and use of non-district facilities, if classes are to be located outside the boundaries of the District.

Student attendance in a class offered pursuant to an instructional service agreement is eligible for apportionment, provided all of the minimum conditions for the receipt of state general apportionment, including the following, are satisfied:

A. Open Enrollment

1. The course must be conducted at facilities that are clearly identified as being open to the general public.

2. Enrollment must be open to all admitted students who meet any approved prerequisites for the course, including but not limited to appropriate health, safety and legal requirements.

3. The class is advertised as open to the general public in the catalog or schedule of classes.

B. Course Standards

1. The course must be approved as set forth in BP/AP 4020 Program and Curriculum Development.

2. Instruction for the course must be provided under the immediate supervision and control of a qualified instructor who meets the prescribed minimum qualifications for service in the discipline. "Immediate supervision" means the presence of the qualified instructor, specifically characterized by the following:

   (a) The qualified instructor is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control of students.

   (b) The qualified instructor is in a position to provide the supervision and control necessary for the protection of the health and safety of students.

   (c) The qualified instructor shall not have any other assigned duty during the instructional activity for which attendance is being claimed.

A student may request an evaluation of his/her/their previous experience and coursework to determine if it is equivalent to the listed requirements. A student found not to meet the prerequisite requirements may challenge the prerequisites through the district's prerequisite challenge process. The District must maintain documentation that demonstrates its processes for assessing student eligibility for enrollment were followed.

Student attendance in a class offered under an instructional service agreement shall not be claimed for apportionment if the District receives full compensation for the direct education costs for the class from any public or private agency, individual, or group of individuals, or if the public or private agency with whom the District is contracting has received from other sources full compensation for the direct education costs for the conduct of the class. Attendance generated solely under the supervision of an instructional assistant or aide shall not be claimed for apportionment.

C. Public Safety Courses

1. Course outlines of record for advanced public safety courses will not list as a prerequisite public safety employment or possession of a basic course diploma. Appropriate health and safety prerequisites or enrollment limitations can include the requirement to pass a California Department of Justice Live Scan or other additional requirements that comply with the law.

2. Course outlines of record for advanced public safety courses should include a sufficiently detailed list of prerequisites that are directly related

to the content of the advanced course so that all prospective students can be assessed for enrollment eligibility. Prerequisites may not be established or construed to prevent academically qualified persons not employed in public safety agencies from enrolling in and attending courses.

3. College publications shall inform students regarding the method by which they may seek an evaluation for equivalent enrollment eligibility for advanced public safety courses. College publications, including the course outline and syllabi, shall include a notification that approval of equivalent enrollment eligibility is not a guarantee that state regulatory or licensing agencies will also grant equivalency for licensure or employment purposes.

D. Public Safety Programs

1. Degree and certificate programs must have been approved by the California Community Colleges Chancellor's Office and courses that make up the programs must be part of the approved programs, or the District must have received delegated authority to approve those courses locally.

2. College publications shall inform students regarding the method by which they may seek an evaluation for equivalent enrollment eligibility for advanced public safety courses. College publications, including the course outline and syllabi, shall include a notification that approval of equivalent enrollment eligibility is not a guarantee that state regulatory or licensing agencies will also grant equivalency for licensure or employment purposes.

E. <u>District and Agency Contracts</u>

The written contract between the District and the Agency shall expressly include, but not be limited to, the following provisions:

1. Specification of the program of instruction and training to be offered.

2. Procedures, terms, and conditions relating to the enrollment period, student enrollment fees, the number of class hours sufficient to meet the stated performance objective, supervision and evaluation of students, and withdrawal of students prior to completion of a course or program.

3. Procedures, terms, and conditions relating to the provision of facilities, equipment, supplies, and materials.

4. Procedures, terms, and conditions relating to the provision of ancillary and support services for students including, but not limited to, counseling and guidance and placement assistance.

5. The responsibility of the Agency for maintaining records of student attendance and achievement, and the requirement that such records shall be available for review at all times by officials of the District and shall be submitted on a schedule developed by the District.

6. The financial obligations of the District and the Agency.

7. A stipulation that all instruction and training shall be provided under the immediate supervision and control of qualified instructors in accordance with the set of objectives and other specifications defined in the course outline of record and students are held to a comparable level of rigor.

8. Specification of the required minimum qualifications for instructors, which shall be consistent with the required qualifications for instructors of similar courses offered within the District.

9. A stipulation that the District shall have the right to control the scope, content, and scheduling of the instruction and training.

10. A stipulation that the District shall have the primary right to control and direct the activities of instructors furnished by the Agency during the term of the contract and that each instructor furnished by the Agency shall execute an individual written contract with the District.

11. Certification that neither the District nor the Agency will receive full compensation for the direct education costs of the course from any public or private agency, individual, or group.

12. Terms and conditions relating to the cancellation and termination of the arrangement.

13. In addition, if the agreement is with a private post-secondary school for the provision of vocational education, the contract shall contain any other provisions required by section 55630 of Title 5 of the California Code of Regulations.

Where instruction pursuant to an instructional services agreement is to be provided by persons furnished by the Agency, the District shall enter into a written contract with each person furnished by the Agency.

The contract shall expressly include, but not be limited to, the following provisions:

1. A stipulation that the District shall have the right to control and direct the activities of the person performed pursuant to the instructional services agreement.

2. Terms and conditions relating to the work to be performed.

3. A stipulation that the person shall be, at all times during the term of the instructional services agreement, an employee of the Agency.

4. Terms and conditions relating to the cancellation and termination of the arrangement.

The contract shall be executed as set forth in BP/AP 6340 Bids and Contracts.

The District office of Human Resources shall verify that each person possesses the required minimum qualifications for service prior to execution.

Also see BP 4610 Instructional Service Agreements.

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(Replaces LBCC Administrative Regulation 4036)