ADMINISTRATIVE PROCEDURE 4105: DISTANCE AND CORRESPONDENCE EDUCATION

College of Marin — Board Policies & Administrative Procedures
Proposed Redline Revision Draft (Fall 2026)

Redline Markup Legend:
• Black Text: Original, unchanged text from the existing AP 4105.
• Strikethrough Text (Red with ~~): ~~Proposed deletions of legacy, non-compliant text, or explicit deadlines. ~~
• Underlined Text (Green): Proposed new language aligning Title 5 purview, DEC joint advisory structure, updated CCCCO modality definitions, and timeline flexibility under the DE Coordinator.

• Blue Text: Comments (For Discussion)

Marin Community College District Procedure
AP 4105
Academic Affairs
AP 4105 DISTANCE AND CORRESPONDENCE EDUCATION
References:
Education Code Sections 66700 and 70901 et seq;
Title 5 Sections 55002.5, 55200 et seq. and 55260 et seq.;
34 CFR Section 602.17 (U.S. Department of Education regulations on the Integrity of Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);
ACCJC Accreditation Standard 2

Per Title 5 Section 55200, distance education that uses one or more of the technologies listed below to deliver instruction to students who are separated from the instructor(s) and to support regular and substantive interaction between the students and instructor(s) either synchronously or asynchronously. Technologies that may be used to offer distance education 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) audio conference, (4) other media used in a course in conjunction with any of the technologies listed in this definition. Distance education does not include correspondence courses.

All distance education is subject to the general requirements under Title 5 as well as the specific requirements of articles 55200 and 55204. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the American with Disabilities Act (42 U.S.C. Section 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794d).

The U.S. Department of Education defines distance education as education that uses one or more technologies [listed in paragraph (1) through (2) (iv) of the definition] 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. (Title 34 Subtitle B, Chapter IV Part 600 Subpart A section 600.2). The California Community Colleges Chancellor's Office (CCCCO) requires districts to accurately report course instructional modalities through MIS data elements (such as XF05 and XF08) for apportionment and scheduling compliance. Course scheduling and modality designations must align with state Management Information System (MIS) definitions to ensure accurate state reporting.

College of Marin offers Distance Education courses via authorized delivery modes aligned with Chancellor's Office definitions, including online asynchronous, online synchronous, and hybrid ~~two delivery modes: online asynchronous and hybrid~~:

1) Online Asynchronous: a course in which 100% of instruction takes place online asynchronously. No mandatory in-person or online synchronous meetings occur.
2) Online Synchronous: a course in which instruction takes place online with mandatory scheduled meeting dates and times where students and instructors must interact in real time via communication technology.
~~2)~~ 3) **Hybrid:** a course in which instruction occurs both online (either asynchronously or synchronously) and in-person with a minimum of one mandatory on-campus meeting during the semester. The required on-campus and/or synchronous online meetings dates and times must be published in the College of Marin Class Schedule. A hybrid class cannot have some students attending in-person and others in Zoom simultaneously.

Course Approval Process

Step 1: Department Approval

Online course proposals must be discussed and vetted by the academic department to determine that the course objectives and learning outcomes can be met in an online modality before going to curriculum. Some additional considerations:

- 50% threshold for accreditation (for example, does the program then require a substantive change approval?);
- Articulation (for example, is the course still transferable if offered in an online modality?); and/or
- Balance of in-person and online/hybrid offerings in the schedule.

Step 2: Course Outline of Record or DE Addendum

The course outline of record or an addendum to the official course outline of record for any new or existing course provided through distance or correspondence education must address the following:

- How course outcomes will be achieved in a distance or correspondence education mode;
- For distance education, how the portion of instruction delivered via distance education meets the requirement for regular and substantive interaction;
- For correspondence education, how the portion of instruction delivered via correspondence education documents and facilitates learning progression through a cycle of assignment submissions and feedback; and,
- The course design and all course materials must be accessible to every student, including students with disabilities.

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The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in AP 4020 Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

~~Each new or existing distance education course shall be reviewed and approved separately by the District Education Committee (DEC).~~ Curricular review and approval of distance education course outlines and DE addenda remain under the primary purview of the Curriculum Committee and Academic Senate pursuant to Title 5 requirements (5 CCR § 55206). The District Education Committee (DEC), operating as a joint governance and operational advisory body rather than a Senate subcommittee, collaborates with and submits technical recommendations to the Curriculum Committee regarding course design and quality standards. Separate course outlines are required for each online asynchronous, online synchronous, or hybrid version of a course. Each course outline must include the Distance Education addendum of the Course Outline of Record (COR) template.

When approving distance education courses, ~~the Distance Education Committee (DEC) will certify~~ the Curriculum Committee certifies the following with recommendations from DEC:
• Course Quality Standards: The same standards of course quality are applied to the distance education courses as are applied to in-person classes.
• Course Quality Determinations: Determinations and judgments about the quality of the distance education course were made with the full involvement of ~~the Distance Education Committee and~~ Curriculum Committee's approval procedures in consultation with DEC advisory input.

Regular interaction: Interaction between a student and instructor(s) is ensured by, prior to the student's completion of a course or competency: (1) providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency: and (2) monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

Substantive interaction: Engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following: (1) providing direct instruction, (2) assessing or providing feedback on a student's coursework, (3) providing information or responding to questions about the content of a course or competency, (4) facilitating a group discussion regarding the content of a course or competency, or (5) other instructional activities approved by the district's or program's accrediting agency.

In addition to addressing how course learning 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:
1) Regular and substantive interaction (RSI) between instructors and students and among students as referenced in in Title 5, section 55204(a), and
2) 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. (5 CCR Section 55206).

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Duration of Approval: All distance education courses approved under this procedure will continue to be in effect unless there are substantive changes to the course outline.

Step 3: Course Content

Course content must be fully developed and reviewed prior to scheduling. ~~The deadlines are as follows: for spring courses, instructors must successfully complete the POCR process no later than September 1st. For summer and fall courses, instructors must successfully complete the POCR process no later than December 31st.~~ POCR process completion schedules shall align with timelines established by the Distance Education Coordinator. ~~The course will be submitted to the Distance Education Committee (DEC) for formal review using the Peer Online Course Review (POCR) process applying the CVC-OEI Course Design Rubric (Refer to Faculty Certification Process).~~ Courses undergo technical and operational review through the Peer Online Course Review (POCR) process applying the CVC-OEI Course Design Rubric, coordinated by the Distance Education Coordinator and designated peer reviewers under the restructured DEC operational framework. POCR is strictly a supportive peer-review, professional development, and regulatory compliance framework—completely distinct from faculty evaluation and collective bargaining procedures.

Faculty Certification Process

Once the department has determined that a faculty member may be assigned to teach a distance education course, the faculty member must complete the following steps:

Faculty Training:

Per Title 5 Section 55208 Instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district education policies and negotiated agreements.

Faculty Selection and Workload

Instructors of course sections delivered through distance or correspondence education are individuals responsible for delivering course content who meet the qualifications for instruction established by the District's accrediting agency. Instructors will be selected using the District or college's same procedures for determining other instructional assignments.

Before a distance education course is assigned, faculty must complete training in online standards and best practices and the OEI rubric either through course work provided by the CCC @One Online Network of Educators, COM's POCR professional development course, or equivalent professional development provided at a California Community College.

The cost of the registration/training will be paid from the Distance Education budget and all requests for training must be routed through the Distance Education Coordinator prior to registration.

Whether teaching hybrid and/or online courses, faculty must demonstrate proficiency in the technical and pedagogical aspects of such courses using the approved District Learning Management System (LMS) before being assigned to teach such a course. Prior to the launch of the course, faculty are required to meet at intervals with the Distance Education Coordinator and Instructional Technologist to review their curricular plan, receive appropriate training on course design, and review their final course product.

The instructor must create a fully-developed (semester-length) course and then proceed through the Peer Online Course Review (POCR) process. Refer to Step 3 of Course Approval Process above.

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Participation in POCR serves exclusively as a supportive professional development and course-design process and shall not be utilized for faculty performance evaluation.

Waivers and Evidence of Equivalency

Faculty who have completed equivalent professional learning in online pedagogy and teaching best practices at an accredited institution within the past three years may be exempt from the required professional learning. Evidence of prior professional learning must be submitted to the Distance Education Coordinator and Instructional Designer.

All courses are required to go through the POCR process for quality assurance and technical alignment regardless of the faculty member's professional learning equivalency.

Instructor Contact

Each section of the course that is delivered through distance education will include regular and substantive interaction (RSI) between instructor and students, as well as among students, as described in the course outline of record, 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.

Title 5 sections 55204 and 53200 require "regular and substantive interaction" in all distance education courses. Each course or portion of a course delivered through distance education ensures regular and substantive interaction between the instructor(s) and students, (and among students where applicable) either synchronously or asynchronously as defined in §55204 (a) through (e).

For purposes of this definition, substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following:
a) Providing direct instruction;
b) Assessing or providing feedback on a student's coursework;
c) Providing information or responding to questions about the content of a course or competency;
d) Facilitating a group discussion regarding the content of a course or competency; or
e) Other instructional activities approved by the institution's or program's accrediting agency.

An institution ensures regular interaction between a student and an instructor or instructors by, prior to the student's completion of a course or competency—
a) Providing the opportunity for substantive interactions with the student on a predictable and regular basis commensurate with the length of time and the amount of content in the course or competency; and
b) Monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

Accessibility Compliance

All distance education is subject to the requirements of Title 5 as well as the requirements of the Americans with Disabilities Act (42 U.S. Code Sections 12100 et seq.) and Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794d). ~~Distance Education courses will be reviewed by Student Accessibility Services (SAS) to determine ADA compliance.~~ (Comment: I may be wrong but I don't believe SAS is the institutional compliance certifier for DE courses. I recommend this

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wording "Distance Education courses and materials shall be developed and maintained in accordance with applicable accessibility requirements. Student Accessibility Services, Instructional Design, Information Technology, and other designated campus resources shall provide consultation and support within their respective areas of responsibility. Faculty are responsible for ensuring that instructional materials and activities they provide meet applicable accessibility requirements, with institutional support and timely remediation assistance as appropriate.")

(New Comment: Placing this sentence into an Administrative Procedure or Board Policy crosses into dangerous territory regarding workload, working conditions, and liability, and it would likely raise red flags with faculty union leadership (UPM).

State & Federal Legal Reality: Institutional vs. Individual Liability

- **Where the legal duty lies:** Under federal law (ADA Title II) and California Title 5 regulations, the legal obligation and ultimate liability for digital accessibility and compliance rest with the District (the institution), not the individual instructor.
- **The overstep:** Framing faculty as personally "responsible for ensuring" compliance shifts institutional liability onto individual faculty members. While faculty have a professional obligation to teach equitably, holding them legally or procedurally *responsible* for technical accessibility compliance misrepresents who bears the regulatory burden under Office for Civil Rights (OCR) mandates.

2. Contract & Workload Implications (EERA / PERB Standards)

Under the Educational Employment Relations Act (EERA — Gov. Code § 3543.2), matters affecting faculty **wages, hours, and working conditions** are strictly within the scope of mandatory collective bargaining.

- **Unilateral Working Conditions:** Establishing new, binding duties or performance standards for faculty through a unilaterally adopted Board Policy or Administrative Procedure—rather than through negotiated contract language—bypasses the union and constitutes a potential labor violation.
- **Undefined Technical Workload:** Technical remediation (e.g., captioning complex videos, fixing math ML/LaTeX accessibility, tagging intricate PDF tables) requires specialized technical skills and significant time. Declaring faculty "responsible" for this without clear, contractual protections regarding workload, compensation, or dedicated institutional support creates an unfunded mandate.

3. Analysis of the Qualifying Clause ("...with institutional support and timely remediation assistance as appropriate")

While the second half of the sentence attempts to soften the mandate by mentioning institutional support, the phrasing is legally weak:

- **"As appropriate" is vague:** It leaves a loophole for administration to withhold support while still holding the instructor accountable.

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- **Shifts the burden:** The primary clause firmly places the burden on the instructor ("Faculty are responsible for ensuring..."), while the trailing clause merely offers assistance as an afterthought.)

"The District is committed to providing accessible instructional materials in compliance with state and federal standards. Faculty share in this commitment by designing courses in accordance with universal design principles and institutional guidelines, supported by dedicated campus resources, technical assistance, and timely remediation services provided by the District."The College's Assistive Technology Access Specialist and Instructional Designer will assist faculty in meeting ADA compliance obligations when needed. Faculty must engage in relevant training from the College to ensure that they understand accessibility as it relates to instruction and curriculum. Likewise, any material or technology in support of any instructional activity must be vetted for accessibility compliance by a designated campus authority.

The term "accessible" means that a person with a disability is given the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and integrated manner, with equivalent ease of use (Office of Civil Rights (OCR), 2011).

Distance education courses must closely mirror current compliance requirements or as ADA has been interpreted by ongoing litigation and/or OCR Letters-of-Instruction. That is, distance education courses must be developed with an interface, design, and content that facilitates equitable access to all material or experiences either through industry standard assistive computer technology or any other accommodation. Additionally, instructional materials should closely align with emerging Universal Design for Learning best practices.

All course content delivered via distance education must be accessible to all persons including those with disabilities.

All activities and instructional media shall be accessible, including:
• Accurately captioned videos
• Transcribed audio files
• All objects (including images, formulas, tables and charts) have meaningful alternative text
• Readable course materials and html pages using effective font, color contrast, and spacing
• Meaningful hyperlinked text
• Documents that are accessible and reflect best practice standards (e.g. including the use of headers, alt text, a readable font, document tags, etc.)
• Provision of an ADA statement and contact information for Student Accessibility Services in the course syllabus.

Accessibility also applies to websites, software, and other required course materials not contained within the District Learning Management System (LMS). Educational technology applications must be vetted for VPAT and FERPA compliance by IT and DEC in its advisory capacity ~~DEC~~ using the EEAAP form prior to adoption. *(Comment: I might be wrong but the VPAT itself is not proof of accessibility. It is a vendor provided document describing accessibility conformance. I propose this wording "Before adoption or required use of third-party educational technology, the College shall conduct an appropriate accessibility, privacy, security, data governance, and contractual review using established College*

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procedures. Accessibility documentation, such as a VPAT, shall be considered as part of the review but shall not by itself constitute a determination of accessibility."

FERPA Compliance and LMS Course Merging

Faculty may combine their courses in the District Learning Management System (LMS) to save time distributing the same course content to students across multiple course sections. However, due to the Family Educational Rights and Privacy Act (FERPA) regulations, students can only have access to other students' information in the course in which they are enrolled. This means students may not interact in the LMS with students from another course section.

To comply with FERPA when distributing course content in merged courses, Faculty must restrict students' ability to view and interact with other students in another course section. Recommendations for meeting FERPA guidelines in the LMS and a Merged Course Request Form are available on the Online Learning website.

Enrollment, Attendance, and Participation in Distance Learning Courses

Students will register and enroll in distance learning courses in the same manner as traditional courses.

All distance education courses follow College of Marin's attendance and drop policies (AP 5070 and AP 5075). Pursuant to Title 5 Section 58004, instructors shall clear their rosters of inactive students not later than the end of the last business day before the census day for all students. Students who are dropped by instructors after 30% of the term will receive a "W."

The U.S. Department of Education views attendance in an online class as active engagement, such as writing in discussion forums, submitting assignments, taking quizzes and/or exams, or other interactive class activities. Due to the potential for financial aid fraud in online programs, the U.S Department of Education has determined that there should be "regular and substantive interaction between students and faculty" in online courses. Hence, the "Last Day of Attendance" counted in the online classroom is the last day of class participation by the student.

Based on the aforementioned guidelines, the instructor should determine the last day of participation for students via the following methods:
1) Prior to the first census date, the instructor will initiate activities that require student participation.
2) The instructor will include various robust assessments and assignments on a frequent basis throughout the semester.

Participation and drop policies must be clarified in the online syllabus and align with the College's policies.

Scheduling Distance Education Courses

Area deans (in collaboration with department chairs) determine and approve faculty assignments for all courses, including distance education sections. Faculty will be assigned to teach distance education courses after completing the aforementioned certification process and meeting state and federal requirements.

Faculty Office Hours

For office hour obligations, faculty must refer to the UPM contract.

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Student Authentication

Consistent with federal regulations pertaining to federal financial aid eligibility, the District must authenticate or verify that the student who registers in a distance education or correspondence education course is the same student who participates in and completes the course or program and receives the academic credit.

The District will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any.

The Chief Instructional Officer shall utilize one or more of these methods to authenticate or verify the student's identity:

- Secure credentialing/login and password;
- Proctored examination; or
- new or other technologies and practices that are effective in verifying student identification

The District utilizes a Learning Management System (LMS) whereby students must authenticate their identity. In order to access the LMS, students must log into the MyCOM Portal with their College of Marin- issued student username and password.

The Chief Instructional Officer shall provide a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any, to each student at the time of registration.

Test Proctoring

Some distance education courses may require that exams be taken in a proctored setting or through an online proctoring service (e.g., Proctorio). Faculty will clearly communicate in their syllabus if there are any proctoring requirements for the course. Prior to using online proctoring software, faculty are expected to engage in professional learning on best practices.

Distance Education Support Services

The District provides online assistance in the following areas:

- Learning Management System (LMS) technical support through an on-line help center
- Online writing assistance through the Online Writing Center (OWC)
- Research assistance through the Library's "Ask a Librarian" service
- Tutoring appointments through the Teaching and Learning Center
- Counseling services through "Ask a Counselor"

The Assessment and Testing Center provides proctored exams with an instructor's approval. Specific instructions about taking an exam in the Assessment and Testing Center can be found on the Assessment and Testing Center's Webpage.

Office of Primary Responsibility: Student Learning and Success
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