

Re: TBA Hour Validation Process

Background: Beginning in 2008, the State adopted new rules limiting the use of TBA hours in WSCH and DSCH classes. Under the current restrictions, courses with TBA hours must have documented student attendance reflecting the accounting method being used. As a result, DSCH courses would be required to demonstrate that the student attends the same number of hours each day, and WSCH courses would be required to demonstrate that the student attends the same number of hours each week. The District acted to disallow DSCH TBA courses since the documentation of daily attendance for the same number of hours was impractical and defeated the objectives attempting to be achieved with the TBA scheduling. WSCH TBA courses have remained an option for scheduling at the college level in order to provide flexibility, maximize FTES generation, and enable colleges the freedom to develop innovative courses and scheduling methods.

While the allowance of WSCH TBA comes with benefits, it has had a dramatic impact on the District. Failure to provide sufficient documentation on these courses has resulted in regular audit findings and the loss funding. In the most recent audit, the impact was the loss of more \$1 million in funding from courses provided to our students. In addition, the accreditation visiting team has indicated the need to address the reoccurrence of the audit finding and noted the loss of control as it relates to meeting state regulations.

Solution: The following describes the process for maintaining local control of scheduling WSCH TBA and ensuring compliance with attendance accounting regulations.

1. All colleges will maintain the right to schedule TBA hours under the WSCH accounting method.
2. The District Division of Educational Programs and Institutional Effectiveness will validate the presence of the required documentation prior to submitting the final FTES reports in July.
3. In the absence of the required documentation, the District will adjust the accounting method from WSCH to the Positive Attendance. This would lead to a loss of FTES and the ability to only claim those hours for which documentation of attendance is available. The switch would eliminate liability associated with missing documentation WSCH TBA hours.

Process for validation: The following process and timeline will be used to validate records.

October and March:

- Prior to the beginning of each primary semester, the Attendance Accounting Office will provide the colleges with a list of scheduled WSCH TBA sections that will require documentation. The list will also highlight any potential miscoding of online classes based on the Mode of Instruction.

- The District Curriculum Dean will validate the presence of TBA hours documentation in the Course Outline of Record per the state memo indicating that the, “**course outline of record must include the number of TBA hours and specific instructional activities/learning outcomes for TBA hours expected of all students enrolled in the course.**” If the information is missing, colleges will be asked to submit the required addendum or change the accounting method.
- The college CIO will ensure that **TBA hours must provide instruction** that is not homework and the student **work completed for TBA must be evaluated.**

March:

- The District will seek to validate proper documentation of the WSCH TBA courses. The required documentation will consist of:
 - Class Schedule
 - The **TBA hours/week required for the course must be included in the published class schedule**, whether printed, online, or an addenda to the original schedule.
 - The **designated location for the TBA hours must be specified in a way that appropriately informs students.**
 - Enrollment records
 - Evidence that students have attended the required number of weekly hours prior to census.
 - **Make sure that all student participation is documented.**
 - Colleges need to track student participation carefully and make sure that they **do not claim apportionment for TBA hours for students who have documented zero hours of the census point** for the particular course.
- The college will be notified of any missing documentation.

April:

- The District will follow-up on those courses that were missing documentation. Courses still missing required documentation will be converted to Positive Attendance.
- At the end of the process, the CIOs will be notified of any trends in documentation collection and will share best practices for meeting requirements.

Best Practices on Documentation:

1. Prior to scheduling a course WSCH TBA, the Course Outline of Record should be checked to ensure that the appropriate addendum is included.
2. Prior to the beginning of the semester, the schedule of classes should be checked to ensure that the required TBA hours per week are indicated.

3. Faculty involved in WSCH TBA classes should be educated on the required documentation and the ramifications for the college when such documentation is missing. The District will provide a short guide to assist in the process. Training should include a focus on excluding students that do not have documented hours prior to census.
4. If the college is using a digital/card swipe system such as CI Tracks, the programming should be checked to ensure that the hours are logged in a manner that demonstrates weekly contact. At the conclusion of the semester, the weekly hours per student should be pulled and formatted in a manner that demonstrates which students had required hours prior to census. The records should be maintained in an easy to understand and auditable manner.
5. If the college is using paper records, the records should be turned in to admissions and records at the conclusion of the semester. These records are kept on file as a Class 3 record basic to an audit as required by section 59020 et seq. For each course that requires TBA, the district must retain a document or record that displays the individual TBA schedules to which students were expected to adhere. Board rules indicate:

CLASS 3: DISPOSABLE RECORDS. All Records, other than continuing Records, not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These Records include but are not limited to: Records basic to audit, including those relating to attendance, full-time equivalent student, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets and canceled check stubs, student body and cafeteria fund Records, etc.); detail Records used in the preparation of any other report; and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Adopted 04-03-02

7709. DESTRUCTION OF RECORDS. Only Class 3 (Disposable) Records shall be destroyed. These Records may be destroyed during the third school year (e.g., a Record originating in the 1993-94 school year plus 3 years = 1996-97 destruction date), after the completion of the following, as applicable:

- a. The completion of any legally required audit. Class 3 (Disposable) Records basic to an audit shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code section 84040 or of any other legally required audit. Class 3 (Disposable) Records basic to an unresolved audit citing shall not be destroyed until five years after the audit citing is first presented to the Board as provided under 5, California Code of Regulations, section 59118.

These procedures will be reviewed annually to ensure that they function both to eliminate audit findings and provide colleges with the ability to schedule in a manner reflective of their curricular and student needs. Below are selected excerpts from relevant documents on TBA scheduling.

Selected Source Materials:

Contracted District Audit Manual 2014-2015

.03 **Compliance Requirement**

All criteria above can be tested by auditors. Districts are required to list TBA hours in the schedule of classes, and describe them in the course outline.

Districts need to track TBA hour student participation carefully and **make sure that they do not claim apportionment for TBA hours for students who have documented zero hours as of the census point for the particular course.**

.04 **Suggested Audit Procedures**

1. Determine that a clear description of the course, including the number of TBA hours required, **is published in the official schedule of classes or addenda thereto.** Please see the latest clarification on TBA memorandum dated March 8, 2013 in the criteria section above.
2. **Determine that specific instructional activities, including those conducted during TBA hours, expected of all students enrolled in the course are included in the official course outline.** All enrolled students are informed of these instructional activities and expectations for completion in the class syllabus or other document.
3. Determine apportionment and attendance record compliance as of census date by reviewing supporting documentation such as the attendance roster.

Memo 2013

To be clear, a list of required conditions for TBA courses is as follows:

1. The **official course outline of record must include the number of TBA hours and specific instructional activities/learning outcomes for TBA hours expected of all students enrolled in the course.**
2. The **TBA hours must provide instruction** that is not homework and the student **work completed for TBA must be evaluated.** In this regard, do not include within TBA hours unsupervised activities such as attendance at plays and concerts. Apportionment may not be claimed for such activities.
3. The **TBA hours/week required for the course must be included in the published class schedule,** whether printed, online, or an addenda to the original schedule.
4. The **designated location for the TBA hours must be specified in a way that appropriately informs students.**
5. All students enrolled in a course with TBA hours **must be required to fulfill the hours and other conditions for TBA. Make sure that all student participation is documented.**

6. **TBA hours may not be claimed for apportionment under the auspices of individual student tutoring.**

7. Colleges need to track student participation carefully and make sure that they **do not claim apportionment for TBA hours for students who have documented zero hours of the census point** for the particular course.

This update does not preclude a district from printing some kind of notice concerning the TBA hours in the published catalog. A potential message could be “Some or all of the class hours for courses may be offered using the “To Be Arranged” (TBA) course scheduling option. Please refer to the class schedule listing for sections of courses for specific TBA weekly or daily class hour requirements that may apply.” Other than as noted above, the guidance provided in the above referenced memorandums and Legal Advisory 08-02 continue to be in effect.

Second Memo 2009:

A second major TBA issue was the definition of “regularly scheduled” and the implications for implementation. Resolution was reached regarding a redefinition of “regularly scheduled” for the purposes of TBA hours. This term has been administratively redefined to mean that within the format of weekly census courses, students must participate for the required number of TBA hours each week of the primary term for the duration of the course, and documentation must demonstrate weekly student participation. Districts have the flexibility to individually schedule these regular weekly TBA hours or may allow students to fulfill their weekly TBA obligation at a **time of their choosing each week of the term**. The key factor here is the students must participate for the same number of TBA hours each week of the primary term so that the course in question continues to qualify for the Weekly Census attendance accounting procedure. For Daily Census courses, districts would also have the same scheduling flexibility as appropriate for the Daily Census attendance accounting procedure. In other words, students could choose their daily TBA times, but would still have to participate for the same number of TBA hours per meeting day so that the course in question continues to qualify for the Daily Census Attendance Accounting procedure.

In terms of monitoring, colleges need to track student participation carefully and make sure that they do not claim apportionment for TBA hours for students who have documented zero hours as of the census point for the particular course. Supporting documentation, such as actual attendance rosters or electronic attendance tracking records, will need to be retained by the district as it relates to verifying compliance with this requirement as a Class 3 record basic to audit as required by section 59020 et seq. Of course, as specified in earlier communiqués, colleges must ensure that instruction is provided, that the number of TBA hours and general objectives/outcomes for the TBA requirement are specified on the course outline, that regulations for immediate supervision and minimum qualifications are followed, and that the student work completed during the TBA hours is evaluated.