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**Kern Community College District  
Administrative Procedure  
Chapter 4 – Academic Affairs**

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**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 subdivision (c) - (g), 58051.5, 58055, 58056,  
58058                      subdivision (b), and 58102-58108

**NOTE:** This procedure is **legally advised**.

An instructional service agreement is an agreement between the District and public agencies or private organizations to provide college-level training for the agency's or organization's employees or members.

The District may claim apportionment for classes provided through instructional service agreements provided pursuant to Education Code and Title 5 requirements.

Prior to establishing a new career and technical education program through the process defined in AP 4020, the respective college shall conduct a job market study of the labor market area and determine whether the results justify the proposed career and technical education program.

The colleges must have a written agreement with the public agency contractor stating the responsibilities of each party and that the college or District is responsible for the educational program conducted on site.

The agreement/contract contains procedures, terms and conditions relating to:

- Enrollment period;
- Student enrollment fees;
- The number of class hours sufficient to meet the stated performance objectives;
- Supervision and evaluation of students;
- Withdrawal of students prior to completion of a course or program; and
- Cancellation and termination of the arrangement.

Instruction claimed for apportionment under the agreement/contract shall be under the immediate supervision and control of an employee of District who has met the minimum qualifications for instruction (Cal. Code Regs., tit. 5, § 58058).

Instructors must provide supervision and control necessary for the protection of the health and safety of students and may not have any other assigned duty during the instructional activity. Generally, faculty must be physically present in the classroom or lab or within line-of-sight of the students.

Where the instructor is not a paid employee, the District shall have a written agreement or contract with each instructor conducting instruction for which full-time employees are to be reported and stating that the District has the primary right to control and direct the instructional activities of the instructor.

The District shall list the minimum qualifications for instructors teaching these courses and that the qualifications are consistent with requirements in other similar courses offered in the District.

The course must be held at facilities which are clearly identified as being open to the general public. Enrollment in the course must be open to any person who has been admitted to the colleges of Kern CCD and has met all applicable prerequisites. District policy on open enrollment must be published in the college catalog. Colleges shall publish a schedule of classes, and any addenda to the schedule of classes, along with a description of the course and information about whether the course is offered for credit and is transferable.

Course outlines of record for advanced public safety courses will not list employment or possession of a basic course diploma as a prerequisite public safety. 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.

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.

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.

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 or record 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.

Degree and certificate programs must have been approved by the California Community Colleges Chancellor's Office and courses that comprise the programs must be part of the approved programs, or the District must have received

delegated authority to approve those courses locally.

The courses of instruction are specified in the agreement, the outlines of record for such courses and are approved by the respective college's curriculum committee as meeting Title 5 course standards, and the courses have been approved by the Board of Trustees.

Procedures used by the District to assure that faculty teaching different sections of the same course teach in a manner consistent with the approved outline of record for that course. Courses and faculty covered under the agreement and students are held to a comparable level of rigor.

Records of student attendance and achievement shall be maintained by the District. Records will be open for review at all times by officials of the District and submitted on a schedule developed by the District.

It is agreed that both contractor and the District shall ensure that ancillary and support services are provided for the students.

The District must certify that it does not receive full compensation for the direct educational costs of the course from any public or private agency, individual or group.

The District is responsible for obtaining certification verifying that the instructional activity to be conducted will not be fully funded by other sources.

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.