

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

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August 10, 2011

**TO:** Chief Instructional Officers  
Chief Student Services Officers

**FROM:** Barry A. Russell  
Vice Chancellor of Academic Affairs

**SUBJECT: MATERIALS FEES**

The purpose of this memo is to provide you an update of recent activities concerning materials fees within the California community colleges. A recent news article brought into question whether fees could be charged for access to online support materials. The Chancellor, recognizing the importance of protecting students from unfair practices, convened a task force to provide guidance on the issue.

On Monday, July 18, a task force of 20 representatives (roster attached) from throughout the system met to discuss and clarify the issues. They also heard from representatives from McGraw-Hill, Epsilon, Pearson Learning, and CENGAGE Learning who, most often, are the providers of such online support materials. The key questions asked of the industry representatives centered around what is currently provided as well as a description of their future delivery systems. The purpose for this input was to have sufficient background on which to base a forward-looking resolution to the issue.

The basis for guidance from the Chancellor's Office concerning fees remains the [Student Fee Handbook](#). This document clearly outlines the legal and operational aspects of charging student fees. Of specific note for this conversation, the task force looked at sections 2.5 and 4.15 of the Handbook. After some engaging discussion, the Chancellor's Office affirmed that colleges are within their legal authority to require students to gain access to a third-party website if that access is a "condition to completing the required classroom objectives of a course" provided the materials were "tangible personal property." (Requiring students to acquire instructional materials is not technically a fee imposed by the district, but the Chancellor's Office uses the student fee analysis to determine the permissibility of such requirements.)

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The discussion then moved to the changing world of technology and the possibilities of future developments in curricular and instructional delivery systems. With that in mind, there were two terms that seem to prove problematic with respect to access to online support materials – “continuing value to the student outside the classroom setting” and “tangible personal property.” Given the changing and adapting technology such as cloud computing, mobile computing devices, and notebook-type computers, the group requested that the Chancellor’s Office review the language and provide further guidance to the colleges. As we enable the use of technology to add value to the learning experience, we need to make sure that oversight language remains vital and up to date.

To this end, the Chancellor’s Office is conducting a review of California Education Code and title 5 language related to student fees. The purpose will be to consider revisions to regulations and policies that protect students from excessive costs, while at the same time considering that the language is forward looking and adaptive to new technological resources. Once the review is complete, the normal process of vetting any changes will allow thorough discussion throughout the system.

If you have any input on this issue, please feel free to contact me at [brussell@cccoco.edu](mailto:brussell@cccoco.edu) or at 916.322.6886.

Attachment

## Instructional Materials Fees Task Force

<b>Committee</b>	<b>College</b>	<b>Position</b>
Elizabeth Nelson	American River	Faculty
Philip Smith	American River	Faculty
Sandra McKaig	American River	Faculty
Shaine Johnson	American River	Student
Kimberlee Messina	Foothill College	Chief Instructional Officer
Pat James	Mt. San Jacinto College	Distance Education Coordinator
Ann Beheler	Porterville College	Chief Instructional Officer, Telecommunications and Technology Advisory Committee
Michelle Pilati	Rio Hondo	Faculty, Academic Senate President
Mary Turner	Sacramento City	Faculty
Chris Baron	San Diego City College	Faculty
Jeff Shimizu	Santa Monica College	Chief Instructional Officer, Educational Technology Advisory Committee
Brian Haley	Sierra College	Faculty
Mandy Davies	Sierra College	CSSO
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Stephanie Low	Academic Affairs	CCCCO
Elias Regalado	Fiscal	CCCCO
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