

Date of Hearing: January 9, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 359 (Holden) – As Amended January 03, 2024

[Note: This bill is double referred to the Assembly Education Committee and will be heard by that Committee as it related to issues under its jurisdiction.]

SUBJECT: Pupil instruction: dual enrollment: College and Career Access Pathways partnerships

SUMMARY: Amends the dual enrollment program, College and Career Access Pathways (CCAP) partnerships, to align with established best practices, in order to streamline access to dual enrollment for K-12 students throughout the state. Specifically, **this bill:**

- 1) Clarifies the CCAP partnership is a dual enrollment program intended for all pupils who wish to participate in dual enrollment and are part of a school district, county office of education, or charter school. Provides that priority for outreach and enrollment should be for pupils who are not college bound or who are underrepresented in higher education.
- 2) Deletes the requirement for a governing board of a community college district and the governing board of a school district, county office of education, or charter school to consult with and consider the input of the local workforce development board before entering into a career technical education CCAP partnership.
- 3) Removes the following terms from being required as part of the CCAP partnership agreement:
 - a) Total number of high school pupils to be served and the total number of fulltime equivalent students projected to be claimed by the community college district for those same high school pupils; and,
 - b) The scope, nature, time, and location of the community college courses to be offered.
- 4) Adds to the protocols of CCAP partnership agreement to include authorization for a CCAP participating high school pupil to complete one application for the duration of the pupil's attendance at the CCAP partner community college.
- 5) Authorizes both the Chancellor of the California Community Colleges (CCC) and the Superintendent of Public Instruction to have the capacity to void any CCAP partnership agreements that do not comply with Education Code Section (EDC) 76004.
- 6) Deletes the provision preventing CCAP participating community college districts from offering physical education courses to high school pupils. Permits the colleges to offer any course in partnership with the CCAP high school.
- 7) Permits a community college district to enter into an agreement with a school district, county office of education, or charter school outside their service area if either following conditions are met:

- a) The school district, county office of education, or charter school has sent a request letter to the community college district within their local service area requesting to establish a CCAP partnership and the request has been denied;
 - b) The school district, county office of education, or charter school has sent a request letter to the community college district within their local service area requesting to establish a CCAP partnership and 60 days has passed without a response from the governing board of the community college district; or,
 - c) The community college district, within the service area of the school district, county office of education, or charter school, has refused to offer courses or pathways in subjects as requested by the school district, county office of education, or charter school.
- 8) Removes the requirement for CCAP agreements to certify that neither community college nor the high school will displace nor terminate faculty or teachers who teach the same high school or college course as the college course being taught on the high school campus as part of the CCAP agreement.
- 9) Removes the requirement for a CCAP agreement to certify that a college course offered for college credit at a participating high school does not reduce access to the same course offered at a partnering community college campus.
- 10) Prohibits the offering of pretransfer level course work taught by community college faculty at a partnering high school campus.
- 11) Provides additional clarity around the type of community college coursework which may be offered as part of the CCAP agreement to include: in-person coursework at the high school or the college or online coursework using either synchronous or asynchronous modalities. Authorizes the board of governors to adopt regulations to ensure asynchronous online courses that are part of the CCAP agreement are offered with appropriate student supports.
- 12) Prohibits a community college from removing a course from the high school unless less than five student have enrolled.
- 13) Requires a CCAP partnership agreement, beginning in the 2030-2031 academic year, to certify that a pupil will receive credit for any community college course that the pupil completes if the course is part of the CCAP and is either of the following types of courses:
- a) The course is lower division, college-level course for credit that is part of the Intersegmental General Education Transfer Curriculum or applies toward the general education breadth requirement for the California State University (CSU);
 - b) The course is college-level, occupational course for credit, as defined, and is part of a sequence of vocational or career technical education courses leading to a degree or certificate in the subject area covered by the sequence.

Should the course not meet either of the above criteria, the student will receive credit for the community college course at the level determined by the community college and the school district, county office of education, or charter school.

- 14) Requires the Office of the Chancellor of the CCC to annually collect data from each CCAP partnership. The data collected will include:
- a) The total number of high school pupils by schoolsite enrolled in each CCAP partnership, aggregated by gender and ethnicity;
 - b) The total number of high school pupils who successfully completed 12 or more units of college coursework by graduation, completed a certificate, or completed the courses required for an associate degree or an associate degree for transfer;
 - c) The total number and percentage of successful course completions, by course category and type of CCAP partnership participants; and,
 - d) The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.
- 15) Requires by 2030-2031 that all CCAP partnership agreements entered into on or before January 1, 2025 comply with the changes of this measure.
- 16) Clarifies that it is the intent of the Legislature that all dual enrollment programs, except for early college high schools and middle college high schools, comply with Education Code Section 76004 and this measure the 2030-2031 academic year.
- 17) Defines the following:
- a) “Synchronous” as classroom-style instruction or designated small group or one-on-one instruction delivered in the form of internet or telephonic communications, and involving live two-way communication between the teacher and the pupil; and,
 - b) “Asynchronous” as a program in which a pupil and teacher interact using online resources, including, but not limited to, discussion boards, Web sites, and e-mail. However the pupil and the teacher need not necessarily be online at the same time.
- 18) Makes clarifying and technical changes.
- 19) Makes Legislative findings and declarations regarding the value of dual enrollment and its alignment with Governor Gavin Newsom’s vision to have 70% of work-aged Californians have a postsecondary degree or certificate by 2030. Clarifies, it is the Legislature’s intent for every elementary and secondary pupil who graduates in California shall have the opportunity to have earned 12 or more college units.

EXISTING LAW:

- 1) Authorizes for a community college district to enter into a CCAP partnership agreement, with a governing board of a high school, the governing board of a charter school district, or a county office of education and outlines specific requirements for participation in the CCAP partnership agreements by the CCC and the local school or charter school district. The purpose of the partnership is to offer or expand dual enrollment opportunities for pupil who may not be college bound or who are underrepresented in higher education. Permits special part-time students participating in the CCAP partnership to receive priority enrollment, enroll in up to 15 course, and receive fee waivers for specified fees. The goal of the partnership is to

offer courses which develop seamless pathways from high school to community college for career technical education or the preparation for transfer, improve high school graduation rates, and/or help pupils achieve college and career readiness.

- a) Requires the CCAP partnership agreement to be approved by the respective governing boards of the CCC district and the school district. The governing boards must:
 - i) Consult with and consider the input of the appropriate local workforce development board in order to determine to what extent the career technical education pathways are aligned with regional and statewide employment needs; and,
 - ii) Present, take comments from the public on, and approve or disapprove of the CCAP partnership agreement at an open public meeting of the governing board of the district.
- b) Requires Chancellor of the CCC to annually collect specified data from the CCC and school districts participating in a CCAP partnership and report the data to the Legislature, the Director of Finance, and the Superintendent of Public Instruction. The data shall include:
 - i) The total number of high school pupils by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity;
 - ii) The total number of CCC courses taken by CCAP partnership participants disaggregated by category and type and by school site;
 - iii) The total number and percentage of courses successfully completed by CCAP partnership participants disaggregated by course category, type, and by school site;
 - iv) The total number of full-time equivalent students generated by the CCAP partnership community college district participants; and,
 - v) The total number of full-time equivalent students served online by the CCAP partnership college district participants (EDC Section 76004).

FISCAL EFFECT: Unknown

COMMENTS: *Purpose of the measure.* In February 2021, the California Governor’s Council for Postsecondary Education (Council) published a report which ascribed a roadmap for how the State could recovery from the COVID -19 pandemic with equity by instituting large scale reform efforts. One of the recommendations included supporting and expanding college preparation and early credit attainment among high school students through dual enrollment programs. The report specifically highlighted CCAP as a successful enterprise for increasing early college credit attainment. The recommendations from the report laid the foundation for the 2022 budgetary “compacts” between the Governor and the public postsecondary education segments. The compacts are a list of agreed upon terms with academic goals for the CCC, the CSU, and the UC to meet over five fiscal years. In exchange for meeting the goals as detailed in the compacts, the Governor agreed to increase the institutions funding. Contained within the CCC compact is the agreement to increase the percentage of TK-12 students who graduate with 12 or more college units earned through dual enrollment by 15%, close equity gaps in access to dual enrollment, and

establish pathways in high-need fields of education, healthcare, technology, and climate action. In order to meet this goal, community colleges and high school districts will need to work together to establish streamlined dual enrollment programs that are not only consistent with the goals as established by the Governor, but are consistent across the State.

As described by the author, “AB 359 builds on years of cumulative efforts by dedicated dual enrollment advocates by making important changes to the education code. This bill ensures CCAP remains a powerful equity based approach by ensuring school districts outreach to underrepresented pupils and can focus on offering the necessary courses to complete pathways without institutional barriers.”

College and Career Access Pathways (CCAP) Partnerships. Prior to the creation of the CCAP partnerships, dual enrollment was historically reserved for academically advanced students who would benefit from the challenge of college work. Students would ask permission of governing board of the K-12 district to enroll in college courses at the local community college. Building upon the research that demonstrated high school students of all academic levels benefit from taking college-courses, AB 288 (Holden) Chapter 618, Statute of 2015, established the CCAP partnership program to be used as a strategic tool to increase access to college courses for students in high school. The purpose of CCAP was to:

- 1) Provide students with a seamless educational pathway from high school to community college for either career technical education or degree transfer;
- 2) Improve high school graduation rates; and,
- 3) Help high school students achieve college and career readiness skills.

CCAP partnerships offers an articulated plan in the Education Code, by which high schools and community colleges agree to offer community college courses to high school students on either the high school or college campus. The courses are offered during the school day and are provided free of charge to students. Students can participate in up to 15 units per semester. According to the Public Policy Institute of California’s August 2023 report on dual enrollment, there are 83 CCAP programs throughout the state, which accounts for 11% of the dual enrollment participation statewide. Education Code Section 76004 spells out the basic terms of an agreement between a participating high school district and a community college district, but the code was intentionally vague in order to preserve local control and to ensure the local agreement met the local needs of high school students. The diagram below, taken from the Legislative Analyst 2021-2022 report on the January 10 budget proposal for community colleges, provides a visual display of the variations of CCAP agreements throughout the state.

Various Arrangements for College and Career Access Pathways in California

	Local Arrangements
Where Classes Are Offered	<ul style="list-style-type: none"> • Vast majority at high schools. • Some at community colleges. • Vast majority online during pandemic.
When Classes Are	<ul style="list-style-type: none"> • During regular high school day.

Offered	<ul style="list-style-type: none"> • Outside the regular high school day.
Who Teaches Classes	<ul style="list-style-type: none"> • High school faculty (meeting minimum CCC qualifications) serving as CCC district employees. • High school faculty (meeting minimum CCC qualifications) serving as school district employees. • Regular CCC faculty.
Who Pays Faculty Salaries	<ul style="list-style-type: none"> • Often depends on whether the faculty are teaching during or outside the regular high school day. If during regular day, high school typically pays. • Also depends on whether faculty are employees of community college or high school district. Typically, district covers cost of its employees. • Sometimes schools and community colleges split costs.
Who Pays for Textbooks	<ul style="list-style-type: none"> • Commonly high schools. • Sometimes community colleges. • Sometimes high schools and community colleges split cost.
What Fund Sources Cover Textbooks	<ul style="list-style-type: none"> • High schools—Lottery, other funds (such as K-12 Strong Workforce Program funds). • CCC—Apportionments, lottery, other funds (such as CCC Strong Workforce Program and federal Perkins).
How Education Partners Contain Textbook Costs	<ul style="list-style-type: none"> • Use open educational resources. • Reuse same book for multiple classes/years.
Who Pays Other Costs	<ul style="list-style-type: none"> • Facilities—typically covered by school district. • Counselors—covered by school district or community college.
What Academic Credit Students Receive	<ul style="list-style-type: none"> • A through G college preparatory credit, plus community college credit. • High school electives, plus college credit. • College credit only.

Source – Legislative Analyst Office – The 2021-2022 Budget California Community College February 16, 2021.

Despite the variety of types of CCAP partnerships throughout the state, recent research has found that CCAP programs are indeed fulfilling their purpose of preparing students for career and college success. In the August 2023 report, *Improving College Access and Success through Dual Enrollment*, the Public Policy Institute of California found that 82% of CCAP participants enrolled in either a two-or four-year college program within one year of graduating from high school and reached community college academic milestones, such as completing transfer-level math and English, at a higher rate than students from other dual enrollment programs. Research from the UC Davis Wheelhouse found that while equity gaps continue to persist, CCAP programs have contributed to the increase in enrollment of socioeconomically disadvantaged students, English learners, foster youth, and homeless youth. Furthermore, the research found that the equity gaps have decreased in formal dual enrollment programs like CCAP.

Expanding dual enrollment. As previously mentioned, Governor Newsom has issued an edict for the community colleges to increase dual enrollment participation by 15% from 2022 to 2027. The roadmap required the Chancellor's Office to compile datasets by 2023 and to establish a timeline for meeting the required goals by 2024. *To the knowledge of Committee Staff, the Chancellor's Office has yet to issue a 2023 annual report as dictated by the Governor's compact.*

In 2023, the CCC Chancellor Dr. Sonya Christian, announced that the community colleges would be building upon the Governor's roadmap by enacting the Vision for Success 2030 (Vision 2030). Vision 2030 is comprised of three overarching goals (equity in success, access, and support) that include six specific outcomes as follows:

- 1) Increase the number of CCC students who complete an educational outcome;
- 2) Increase the number of CCC students attaining a baccalaureate degree;
- 3) Increase the number of CCC students who earn a living wage;
- 4) Increase the number of students attending a CCC;
- 5) Increase financial aid attainment; and,
- 6) Reduce the number of units to completion.

To fulfill outcome (2) and (4) as stated above, the Chancellor has written Op-Eds encouraging community colleges to increase dual enrollment programs and to begin enrolling students in grades 9 and 10 in dual enrollment programs. If the community college system is to meet the Governor's and Chancellor's Vision 2030 goals, an equitable program must be established to help students enroll in college coursework that contributes to their overall academic plan. AB 359 (Holden) seeks to establish CCAP as the premier dual enrollment program in the state, by streamlining the codified language to make it easier for existing and future dual enrollment programs to become CCAP programs.

Assembly Higher Education Committee: November Oversight Hearing. For several years, Committee Staff have heard from K-12 high school districts, community college districts, and educational stakeholders of the shortfalls of the CCAP partnerships and how the partnerships could be improved. While various iterations of amendments have occurred to EDC over the years, fundamental changes to dual enrollment have not transpired. The state continues to have a

myriad of avenues by which dual enrollment can be provided to students, with most of the options being available to those pupils who are scholastically advanced. To fully understand the landscape of dual enrollment in California and whether the state would benefit from broad scope dual enrollment reform, the Assembly Higher Education (AHED) Committee held an oversight hearing on November 06, 2023 to understand the benefits and hindrances of the dual enrollment programs. During the hearing, the AHED Committee heard from researchers, practitioners, and from both the California Department of Education and the Chancellor’s Office as to how the state could assist in expanding dual enrollment opportunities for high school students throughout the state. During the hearing, the AHED Committee learned of various changes that could be made to the CCAP program to help make the program be more equitable and to remove hindrances preventing community colleges and K-12 school districts from converting their dual enrollment programs into CCAP programs. The chart below demonstrates the changes to the CCAP program as prescribed by AB 359 (Holden) and the justification of the recommendation based on information gleaned from the November oversight hearing, listening tours conducted by Committee staff, and site visits in 2023:

Change to the CCAP Program	Justification of the Recommendation
Removes in (a) (1) the language that CCAP is to expand college opportunities for underrepresented students in higher education, but preserves equity by ensuring participating high school and community colleges are prioritizing outreach and enrollment of underrepresented students as defined.	Some community colleges and K-12 districts to do not wish to participate in CCAP programs as they see CCAP as being reserved for those who identify as underrepresented in higher education and not for the whole population of high school students.
Remove the requirement for career technical education (CTE) pathways as provided in the CCAP partnership to be presented to the local workforce development board.	Committee Staff learned this is redundant and could contribute to the lack of CTE pathways in CCAP programs. Community colleges are already required to establish CTE pathways in partnership with the local workforce and therefore this is redundant as the CCAP partnership does not create new CTE pathways but rather authorizes existing CTE pathways to be offered to high school students on the high school campus.
Remove specific reporting terms from the CCAP agreement and from the report required of the Chancellor’s Office.	Concerns were raised during the hearing that overly prescriptive data requirements contribute to the lack of data being collected. Less prescriptive data and more outcome driven data would be helpful in determining whether dual enrollment programs are successful.
Remove the Principal’s approval of participation.	Researchers and stakeholders agreed that removing the Principal’s approval for students to participate would remove unintended biases that could be contributing to the equity gaps in

	<p>participation in dual enrollment programs. Principals do not have to approve if a student wishes to take an Advance Placement course and therefore approval in dual enrollment programs should be removed to encourage equitable placement.</p>
<p>Remove the prohibition on Physical Education Courses.</p>	<p>Originally, the prohibition was to prevent students from receiving college level credit for physical education courses (such as strength training); however, coursework in coaching and physical training are also physical education course and students should not be prohibited from participating in those courses as well.</p>
<p>Establish a protocol for high school districts to be able to enter into dual enrollment programs with community colleges regardless of the service area.</p>	<p>High school districts have reported their local community college district have either refused to enter into a CCAP agreement or have not been willing to offer the programs that are in the best interest of students. The changes to the Education Code as provided by AB 359 (Holden) will establish a pathway by which high school districts could enter into CCAP agreements with other community college districts if the primary community college district does not comply.</p>
<p>Remove the requirement that a course offered at the high school does not displace a course offered at the community college campus.</p>	<p>In the 2022 Chancellor’s Office report on CCAP partnerships found there was no evidence of high school students displacing adult community college students by high school students. During a listening tour in 2021, Committee Staff learned this is one of the main hindrances in offering CCAP programs because colleges interpret this to mean that if a course is impacted it cannot be offered at the high school.</p>
<p>Remove the ability for colleges to offer pretransfer coursework.</p>	<p>The Public Policy Institute of California and Career Ladders Project both suggested removing pre-transfer level coursework from dual enrollment programs. Dual enrollment is supposed to be college-level coursework. Pre-transfer level coursework would be considered high school coursework and therefore the student should just take the regular high school course.</p>

	<p>Aligns CCAP partnerships with the efforts of the CCC to reform remedial education by ensuring college coursework is college level and not remediation or high school coursework.</p>
<p>Clarify college courses offered pursuant to a CCAP partnership can be offered online or in person.</p>	<p>One of the concerns raised by community colleges is the restraint of CCAP partnerships to only offer courses on the high school campus during the school day.</p> <p>During a site visit in the fall of 2023, Committee Staff learned that some high school offer both a CCAP partnership and another form of dual enrollment in order to permit students to take college coursework after school.</p> <p>Students should be able to take the coursework at any time it fits within their schedule and the code should not prohibit them from being able to expand their academic knowledge.</p>
<p>Establish a state law that requires high school districts and community college districts to provide college and high school credit for courses taken pursuant to a CCAP partnership.</p>	<p>Due to local control, not every community college coursework counts towards high school coursework. A student could take a college level math class and not have it count as a math course for purpose of their high school credit for graduation. The language established by AB 359 would help California join the 47 other states who have codified law requiring dual credit for specific college-level dual enrolment coursework.</p> <p>The intent is for student to receive both college credit and high school credit for the CCAP course they undertake.</p>
<p>Requiring community colleges to offer CCAP course even if the high school enrollment is small (more than five students)</p>	<p>Committee Staff learned community colleges were electing to cancel CCAP courses because not enough students were enrolling in the course to make it fiscally viable for the college. This is a concern because high schools have to scramble to provide alternative classes for the high school students into other courses after the class is cancelled. If a college agrees to offer a class they should not be allowed to drop the class especially if the course is offered on a high school campus.</p>

By enacting all of the changes as highlighted above, AB 359 (Holden) would codify all of the recommendations from the November oversight hearing and would establish CCAP partnerships as the premier and primary dual enrollment program in the State; which would help unify and streamline college coursework attainment for K-12 students regardless where the high school they attend.

Arguments in support. The California High School Coalition consists of about 55 school districts across the State and is supportive of the amendments to AB 359 (Holden), as “The recent amendments provide important protections to ensure that students are not denied quality dual enrollment opportunities because of the requirement in current law that the local community college district must approve other community college districts being allowed to enter into dual enrollment agreements with a school district. This provision in current law has created a serious barrier to dual enrollment opportunities for students in districts across the state.”

REGISTERED SUPPORT / OPPOSITION:

Support

California High School District Coalition
Lassen Union High School District

Opposition

None on file, based on the most recent version of the measure.

Analysis Prepared by: Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960