

Date of Hearing: June 18, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 1244 (Newman) – As Introduced February 15, 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.]**

**SENATE VOTE:** 37-0

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

**SUMMARY:** Permits any community college district (CCD) to enter into a College and Career Access Pathways (CCAP) agreement with a local education agency within the service area of another CCD, if specified conditions are met. Specifically, **this bill:**

- 1) Permits a CCD to enter into a CCAP agreement with a local education agency in the service area of another CCD if any of the following have occurred:
  - a) The service area CCD has declined a request or failed to take action within 60 calendar days on a request from the local education agency to enter into a CCAP agreement; or
  - b) The service area CCD has declined a request or failed to take action within a 60 calendar days on a request from the local education agency to approve another CCD to enter into a CCAP a partnership to offer those courses.

**EXISTING LAW:**

- 1) Authorizes for a CCD 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) Prohibits a CCD from entering into a CCAP agreement with a local education agency who is located in the service area of another CCD unless an agreement already exists; or is established between those CCDs authorizing the CCAP agreement.
- c) 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 CCD 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:** According to the Senate Committee on Appropriations:

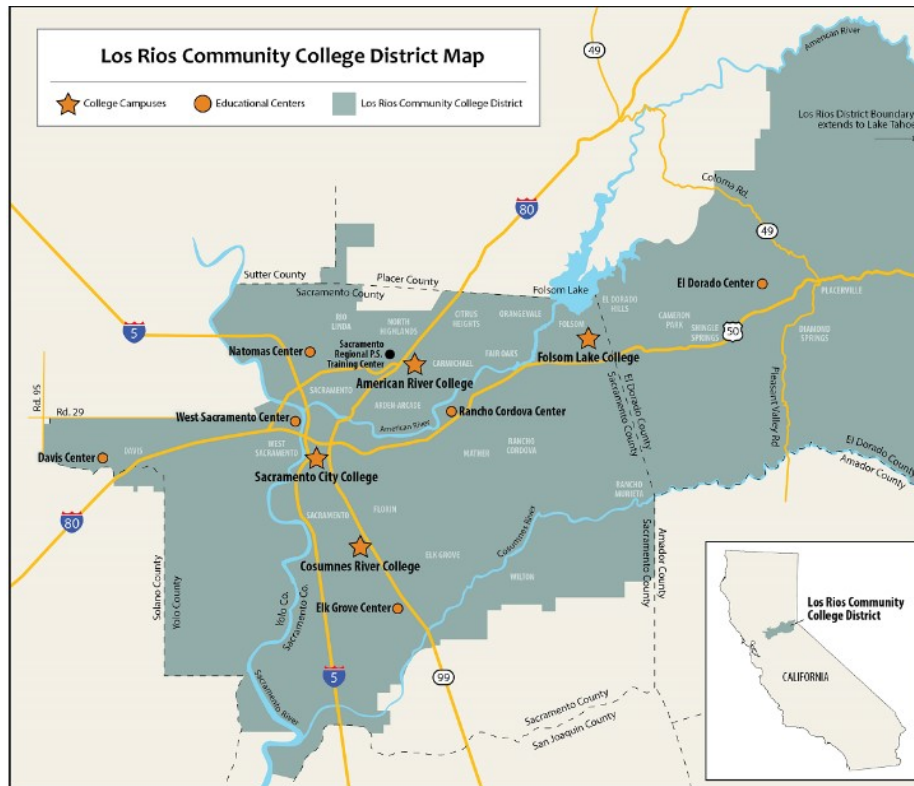
The Chancellor's Office estimates that this bill would result in Proposition 98 General Fund costs of \$864,000. This estimate assumes that each of the 72 CCDs statewide would require \$12,000 to update their dual enrollment policies. The Chancellor's Office also indicates there would be an unknown increase in apportionment funding, potentially in the millions of dollars each year. The exact costs would depend on the number of additional high school students that attend a neighboring CCD as a result of this measure.

**COMMENTS:** *Need for the measure.* As explained by the author, "SB 1244 will facilitate greater access to community college dual enrollment programs for high school students across California by enhancing the ability of school districts to collaborate with community colleges through College and Career Access Pathway (CCAP) programs. The legislative changes made by SB 1244 will streamline the processes for school districts to initiate dual enrollment programs with community colleges, thereby fostering greater collaboration and flexibility in meeting the educational needs of students statewide."

Existing law authorizes a governing board of a CCD to enter into a CCAP agreement with school districts within their service area.

Committee staff note “service area” is not defined in the postsecondary education code section of the Education Code; however, it is safe to assume “service area” means the K-12 districts located within the district boundary line of a CCD.

CCDs are prohibited from entering into CCAP agreements with K-12 districts that reside within another CCD. For example contained within the Los Rios CCD (as shown below) are several K-12 districts including, but not limited to: Sacramento City Unified School District, Elk Grove Unified School District, San Juan Unified, Natomas Unified School District, and the Folsom-Cordova Unified School District.



CCAP agreements are not between a community college and a high school, but rather between the districts; therefore, conceivably, Los Rios CCD could provide dual enrollment courses to high school students located in all five districts listed above, but not for a K-12 district located in Rocklin or Roseville which would be in the service area of Sierra CCD.

Even with community colleges being located in every county in California and the Governor encouraging community college to increase dual enrollment by 15% in the next three years, K-12 districts struggle to receive collaborative engagement from community colleges on CCAP agreements.

Stories from the K-12 stakeholders include CCDs who do not respond to request from K-12 districts to provide dual enrollment courses through CCAP partnerships; community colleges districts who refuse to enter into agreements, but also refuse to permit a K-12 district to go elsewhere to receive dual enrollment courses; CCDs who refuse to enter into agreements longer than a single year; and, CCDs who are unwilling to expand programs to meet the needs of the K-12 districts.

SB 1244 (Newman) seeks to address the concerns received by K-12 districts by releasing K-12 districts from working with the service area CCD for a CCAP agreement if the following has occurred:

- 1) The service area CCD has declined or failed to take action within 60 days of a request from K-12 district to enter into a CCAP agreement; or
- 2) The service area CCD has declined or failed to take action within 60 days of a request from K-12 district to approve another CCD to enter into a CCAP partnership to offer those courses.

*College and career access partnership agreements. 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 CCD, 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**

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

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

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.

Removing barriers to access and providing high school students every opportunity to offer dual enrollment courses is a priority of Governor Newsom, whose recent compact with the community college, requires the colleges to increase dual enrollment participation by 15% from 2022 to 2027.

*AB 359 (Holden) and SB 1244 (Newman).* SB 1244 (Newman) addresses the geographic barrier of service areas which currently prevent K-12 districts from entering into CCAP agreements with any community college willing to engage in partnership. AB 359 (Holden) also seeks to address this issue of the geographic barrier, but limits the release of the K-12 district from the service area community college if:

- 1) The K-12 district written request to partner has been denied by the governing board of the service area CCD; or,
- 2) The service area CCD has not responded in writing to the K-12 district's written request within 60 days.

AB 359 (Holden) applies to K-12 district and CCD who are establishing a CCAP agreement and does not include a provision permitting the K-12 district to enter into an agreement with another CCD if the service area CCD declines to offer specific dual enrollment courses requested by the K-12 district.

AB 359 (Holden) is mute on what transpires if the CCD refuses to offer specific dual enrollment courses or declines to permit the K-12 district to enter into another agreement with another CCD for the specific dual enrollment courses.

AB 359 (Holden) awaits a hearing in the Senate Appropriations Committee and passed out of this Committee with 7-0 vote.

*Impact to community college enrollment.* While SB 1244 (Newman) permits a K-12 district to meet the local needs of their high school students through the expansion of CCAP partnerships beyond the service area CCD, the measure could have unintended policy consequences on community college enrollment and upon the resources available to help high school students.

Apportionment funds or how community colleges receive funding from the State, is based on enrollment. Part of the reasoning behind the original clause to have the two CCD enter into an agreement as to how the dual enrollment course will be offered to the K-12 district was to discourage the poaching of students or a potential revenue source from the service area CCD.

Under the current law, K-12 districts are bound to their service area CCD unless the service area CCD permits the K-12 district to partner with another CCD. In every other circumstance, the autonomy of the K-12 district permits the school board to make decisions on how to meet students' academic needs. In every other circumstance, if a vendor refused to offer the dual

enrollment courses the K-12 district would simply terminate their contract and find another vendor. Why are CCAP partnerships bound by geographical boundaries?

If CCAP courses were only offering in – person it would make sense to have the faculty of the CCD be local or from the service area CCD. However, with the advancement of technology and online courses, it is not necessary to have a faculty member always physically present to facilitate the courses. Furthermore, in some CCAP agreement, the K-12 teachers facilitate the dual enrollment courses, and the community college faculty evaluate the course; which, could also remove the need for the faculty to be local.

California Community Colleges are an open enrollment system and enrollment is not bound by geography. Anyone over the age of 18 can enroll in any community college in the State. High school students enrolled in CCAP programs are the only population in the state by which the community college restrict access based on geography.

SB 1244 (Newman) address this inequity while also preserving local partnerships between the K-12 districts and their service area CCD. SB 1244 (Newman) permits the service area CCD the opportunity to meet the needs of the K-12 district, but it also permits the K-12 district to meet the needs of their students by allowing the K-12 district to leave the service area of the CCD.

*To address concerns raised by community college stakeholders, the author may wish to amend the bill moving forward to clarify that the request being made to enter into a CCAP agreement or to partner with another community college district should be made in writing and should be sent to the chief executive officer of the community college district. Furthermore, the author may wish to clarify that when the CCAP agreements between a K-12 district and an out of service area community college district is up for renewal, the K-12 district must re-do the first right of refusal process with their service area community college district again. This would preserve the intention of CCAP partnerships to be local agreements between K-12 and community college districts.*

*Arguments in support.* As stated by the Campaign for College Opportunity, “In our brief in this series, “*Greater Equity in College Access Through High School/College Dual Enrollment Programs*,” we find that dual enrollment programs have proven to be effective in increasing college access and success among Black, Latinx, and other historically minoritized students. However, despite the demonstrated benefits, many students lack meaningful access to these programs due to exclusionary policies and practices. High schools that serve large proportions of Black, Latinx, American Indian and Alaska Native (AIAN), and Native Hawaiian and Pacific Islander (NHPI) students are more likely to not offer any dual enrollment courses, and the lack of availability of high school instructors who qualify to teach dual enrollment courses is commonly identified as a major barrier to achieving equitable access. By allowing access to dual enrollment opportunities to span across regional service areas for CCDs, we can leverage existing opportunities and encourage future expansion of dual enrollment course offerings to make meaningful progress toward closing these persistent racial and ethnic equity gaps in dual enrollment access. SB 1244 will allow dual enrollment students to access community college courses even in the instance that a CCAP agreement cannot be reached between their high school district and the most local CCD, which opens the door to college opportunity for more students. Implementation of these changes to the CCAP program will lead to a broader base of students being able to access college courses through dual enrollment.”

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alameda County Office of Education  
Antelope Valley Union High School District  
Association of California School Administrators  
California Chamber of Commerce  
California Charter Schools Association  
California High School District Coalition  
California School Boards Association (co-sponsors)  
Campaign for College Opportunity  
Campbell Union High School District  
Centinela Valley Union High School District  
Children Now  
Citrus College  
Edvoice  
Fullerton Joint Union High School District  
Kern County Superintendent of Schools Office  
Liberty Union High School District  
Los Angeles Unified School District  
Murrieta Valley Unified School District  
North Orange County Community College District  
Rancho Santiago Community College District  
San Benito High School District  
Small School Districts Association  
Taft Union High School District  
Television Academy Foundation  
Tulare Joint Union High School District  
Wheatland Union High School District

**Opposition**

None on file.

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