

Date of Hearing: April 8, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1040 (Muratsuchi) – As Amended April 5, 2021

**SUBJECT:** Community colleges: ethnic studies.

**SUMMARY:** Requires, commencing with the 2022-23 academic year, each community college district (CCD) to offer courses in ethnic studies at each of its campuses. Specifically, **this bill:**

- 1) Requires each CCD, commencing with the 2022-23 academic year, to offer courses in ethnic studies at each of its California Community Colleges (CCC) campuses.
- 2) Requires that the units earned by students for successful completion of these ethnic studies courses shall be eligible for transfer to count toward a baccalaureate degree and, if applicable, shall meet ethnic studies graduation requirements at the California State University (CSU).
- 3) Requires each CCD to collaborate with its academic senate in the development of ethnic studies courses.
- 4) Requires, commencing with the 2024-25 academic year, each CCD to require the completion of at least one course in ethnic studies of at least three-units as a requirement for a student to obtain an associate degree.
- 5) Prohibits a CCD from increasing the number of units required to obtain an associate degree in order to implement the requirement, per (4) above.
- 6) Requires the CCC Chancellor to develop and adopt appropriate regulations for the implementation of this measure.
- 7) Requires that the CCC Chancellor develop and implement a plan to streamline the course and curriculum approval process, both at the state and local levels. The plan shall reflect an expedited state approval process for ethnic studies courses, programs, and certificates, and may include the elimination of an existing state course and program approval process. The plan shall reflect one of the following two options:
  - a) A process of course and curriculum approval that enables community college districts to develop a course or program within one academic year and to offer that course or program the subsequent academic year; and,
  - b) A process of course and curriculum approval that enables CCDs to develop a course or program within one academic semester and to offer that course or program the subsequent academic semester.
- 8) Requires the plan described, in all of (7) above, shall also reflect the creation of a process that enables ethnic studies courses and programs to be portable among CCDs. This process shall enable a community college district to adapt, adopt, or adapt and adopt another community college district's approved ethnic studies courses, programs, and curriculum

within one academic semester and to offer that course or program, or utilize that curriculum, the subsequent academic semester.

**EXISTING LAW:**

- 1) Establishes the CCC, a postsecondary education system consisting of CCD and the Board of Governors of the CCC (Education Code (EC) Section 70900).
- 2) Requires the CCC Board of Governors (BOG) to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the state. The work of the BOG shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC (EC Section 70901).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Need for measure.* According to information provided by the author, in 1968, a coalition known as the Third World Liberation Front (TWLF) formed between the Black Student Union and other underrepresented student groups at San Francisco State University then expanded to UC Berkeley, which lead to campus strikes. Their demands called for a radical shift in admissions practices, which mostly excluded nonwhite students, and in the curriculum, which disregarded the lives of students of color. This effort led to the creation of ethnic studies departments at both campuses.

The author states, “Yet, fifty-two years later, the lack of diverse curriculum is still an issue in our state’s educational system. California’s population is now more diverse than ever. No one racial or ethnic group represents the majority population. All students can and will benefit from a curriculum sharing the diverse experiences of all populations – not just one that offers a Eurocentric perspective.”

The author contends that, “In a State as diverse as California, students need access to ethnic studies programs to help introduce new cultural perspectives to educate students and develop critical thinking skills from multiple perspectives to help advance a more inclusive society that values diversity. AB 1040 expands access to ethnic studies courses at each community college district and requires the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree.”

This measure requires that CCC, by the 2022-23 academic year offer at least one course in ethnic studies at all of its campuses. Additionally, this measure requires that units earned for successful completion of ethnic studies courses be eligible for transfer and, if applicable, meet ethnic studies graduation requirements at the CSU. Further, this measure requires that by the 2024-25 academic year that each CCD require the completion of at least one three-unit course in ethnic studies as a requirement to obtain an associate degree. Lastly, this measure requires the CCC Chancellor to develop and adopt appropriate regulations for the implementation of this measure.

*Recent efforts relating to ethnic studies.* The CCC Statewide Academic Senate (ASCCC), in collaboration with the CCC Chancellor’s Office (CCCCO), in Fall of 2020, proposed to amend the California Code of Regulations, Title 5, Section 55063 in order to include an ethnic studies graduation requirement for CCC associate degrees by adding the following text:

The governing board of a community college district shall confer the associate degree upon a student who has demonstrated competence in reading, in written expression, in *ethnic studies*, and in mathematics...

*Effective for all students admitted to a community college for the Fall 2021 term or any term thereafter, competence in ethnic studies shall be demonstrated by obtaining a satisfactory grade in a course from an ethnic studies discipline at the first- or second-year level. Satisfactory completion of an ethnic studies course at the first- or second-year level shall satisfy both this competency requirement and the coursework requirement set forth in subdivision (b) of this section.*

*The competency requirements for ethnic studies may also be met by obtaining a satisfactory grade in courses in ethnic studies taught in or on behalf of other departments and disciplines that adhere to the minimum qualifications for ethnic studies disciplines as delineated in the California Community Colleges Chancellor's Office's Minimum Qualifications for Faculty and Administrators in California Community Colleges.*

Committee Staff understands that the ASCCC and the CCCCCO plan to present the proposed Title 5 changes to the CCC BOG for their approval in 2021.

*The Committee should consider whether this bill is premature and usurps the authority of the ASCCC, CCCCCO, and the CCC BOG in their ability to set forth new requirements for CCC students seeking to earn an associate's degree.*

Existing law requires the CSU, commencing with the 2021-22 academic year, to: 1) provide courses in ethnic studies at each CSU campus; and, 2) require, as part of the CSU graduation requirements commencing with students graduating in the 2024-25 academic year, the completion of, at a minimum, one three-unit course in ethnic studies.

The CSU, in implementing this requirement, made changes to their General Education (GE) Breadth Requirements, adding ethnic studies to their Area F GE requirements. The CSU specified that the requirement to take a three semester (four quarter) unit course in Area F shall not be waived or substituted. To be approved for this requirement, courses shall have the following course prefixes: African American, Asian American, Latina/o American or Native American Studies. Similar course prefixes (e.g., Pan-African Studies, American Indian Studies, Chicana/o Studies, Ethnic Studies) shall also meet this requirement. Courses without ethnic studies prefixes may meet this requirement if cross-listed with a course with an ethnic studies prefix. Courses that are approved to meet this requirement shall meet at least three of the five following core competencies. Campuses may add additional competencies to those listed.

- 1) Analyze and articulate concepts such as race and racism, racialization, ethnicity, equity, ethno-centrism, eurocentrism, white supremacy, self-determination, liberation, decolonization, sovereignty, imperialism, settler colonialism, and anti-racism as analyzed in any one or more of the following: Native American Studies, African American Studies, Asian American Studies, and Latina and Latino American Studies.
- 2) Apply theory and knowledge produced by Native American, African American, Asian American, and/or Latina and Latino American communities to describe the critical events,

histories, cultures, intellectual traditions, contributions, lived-experiences and social struggles of those groups with a particular emphasis on agency and group-affirmation.

- 3) Critically analyze the intersection of race and racism as they relate to class, gender, sexuality, religion, spirituality, national origin, immigration status, ability, tribal citizenship, sovereignty, language, and/or age in Native American, African American, Asian American, and/or Latina and Latino American communities.
- 4) Critically review how struggle, resistance, racial and social justice, solidarity, and liberation, as experienced and enacted by Native Americans, African Americans, Asian Americans and/or Latina and Latino Americans are relevant to current and structural issues such as communal, national, international, and transnational politics as, for example, in immigration, reparations, settler-colonialism, multiculturalism, and language policies.
- 5) Describe and actively engage with anti-racist and anti-colonial issues and the practices and movements in Native American, African American, Asian American and/or Latina and Latino communities for a just and equitable society.

The CSU campuses may certify upper-division ethnic studies courses to satisfy the lower-division Area F requirement so long as adequate numbers of lower-division course options are available to students. Additionally, ethnic studies courses required in majors, minors or that satisfy campus-wide requirements and are approved for GE Area F credit shall also fulfill (double count for) this requirement.

Committee Staff understands that the CSU made this requirement to be in the lower-division in order to assure that all students have taken the course and that it does not alter existing CCC Associate Degree for Transfer (AD/Ts) and major requirements. By law, the CSU may not increase the units required for graduation. This is particularly pertinent to AD/Ts. The CSU cannot add anything to the lower-division 60 units of AD/Ts that the CCC offer, unless it is inserted into CSU GE Breadth.

Further, the Governor's 2021-22 Budget Proposal seeks to provide \$7 million one-time General Fund to provide resources to the UC Subject Matter Projects for K-12 teacher professional development regarding learning loss mitigation and ethnic studies.

*Academic freedom.* While academic freedom may mean different things to different individuals, at the core of academic freedom, is the establishment of faculty members' right to remain true to their pedagogical philosophy and intellectual commitments; fundamentally, it preserves the intellectual integrity of our higher education systems. Additionally, academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on faculty or students.

As currently drafted, this measure requires each CCD to require the completion of at least one three-unit course in ethnic studies in order for the student to obtain a degree.

*The Committee should consider whether the bill infringes on academic freedom and, conversely, whether the decisions on curricula and graduation requirements should remain in the hands of CCC faculty and administrators.*

*Committee comments and amendments.* As stated in the “Recent efforts relating to ethnic studies” section of this analysis, the CSU, as they implement the ethnic studies course requirement for all CSU students, have determined that the course shall be a lower division course and align with CSU’s general education requirement.

As currently drafted, this measure states, “Commencing with the 2022–23 academic year, each community college district shall offer courses in ethnic studies at each of its campuses. The units earned by students for successful completion of these courses shall be eligible for transfer to count toward a baccalaureate degree and, if applicable, shall meet ethnic studies graduation requirements at the California State University. Each community college district shall collaborate with its academic senate in the development of these courses.”

*To avoid confusion and provide clarity for CCC students transferring to the CSU, the Committee recommends, and the author has agreed to the following amendment:*

78240 (a) Commencing with the 2022–23 academic year, each community college district shall offer courses in ethnic studies at each of its campuses. The units earned by students for successful completion of these courses shall be eligible for transfer to count toward a baccalaureate degree and, if applicable, shall meet the ethnic studies general education graduation requirements at the California State University. Each community college district shall collaborate with its academic senate in the development of these courses

*Prior legislation.* AB 1460 (Weber), Chapter 32, Statutes of 2020, required the California State University (CSU), commencing with the 2021-22 academic year, to: 1) provide courses in ethnic studies at each CSU campus; and, 2) require, as part of the CSU graduation requirements commencing with students graduating in the 2024-25 academic year, the completion of, at a minimum, one three-unit course in ethnic studies.

AB 3310 (Muratsuchi) of 2020, which died for a lack of hearing by this Committee, was substantially similar to this measure.

AB 2408 (Weber) of 2018, which was held by this Committee, per the request of the author, was very similar in nature to AB 1460 (as described above).

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Asian Pacific Americans in Higher Education  
Asian Pacific Islander Trustee and Administrator Caucus of the Community College League of California  
Cerritos Community College  
Los Angeles Community College District (Sponsor)  
San José-Evergreen Community College District  
West Hills College Lemoore

### **Opposition**

None on file.

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