

Date of Hearing: April 7, 2015

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 288 (Holden) – As Amended March 23, 2015

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

SUBJECT: Public schools: College and Career Access Pathways partnerships

SUMMARY: Authorizes the governing board of a community college district (CCD) to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district with the goal of developing seamless pathways from high school to California Community Colleges (CCC) for career technical education (CTE) or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness; requires the CCAP partnership agreement to outline the terms of the partnership, as specified; and requires each participating CCD and school district to provide an annual report to the to the CCC Chancellor's Office (CCCCO). Specifically, **this bill:**

- 1) Declares the following findings of the Legislature:
 - a) Research has shown that dual enrollment can be an effective means of improving the educational outcomes for a broad range of students;
 - b) Dual enrollment has historically targeted high-achieving students; however, increasingly, educators and policymakers are looking toward dual enrollment as a strategy to help students who struggle academically or who are at risk of dropping out;
 - c) Allowing a greater and more varied segment of high school pupils to take community college courses could provide numerous benefits to both the pupils and the state, such as reducing the number of high school dropouts, increasing the number of community college students who transfer and complete a degree, shortening the time to completion of educational goals, and improving the level of preparation of students to successfully complete for-credit, college-level, courses;
 - d) California should rethink its policies governing dual enrollment, and establish a policy framework under which CCDs and school districts could create dual enrollment partnerships as one strategy to provide critical support for underachieving students, those from groups underrepresented in postsecondary education, those who are seeking advanced studies while in high school, and those seeking a CTE credential or certificate;
 - e) Through dual enrollment partnerships, CCDs and school districts could create clear pathways of aligned, sequenced coursework that would allow students to more easily and successfully transition to for-credit, college-level coursework leading to an associate degree, transfer to the University of California or the California State University, or to a program leading to a CTE credential or certificate; and,
 - f) To facilitate the establishment of dual enrollment partnerships, the state should remove

fiscal penalties and policy barriers that discourage dual enrollment opportunities; reducing some of these restrictions, will lead to the expansion of dual enrollment opportunities, thereby saving both students and the state valuable time, money, and scarce educational resources.

- 2) Authorizes a CCD governing board to enter into a CCAP partnership with a school district governing board for the purpose of offering or expanding dual enrollment opportunities with the goal of developing seamless pathways from high school to community college for CTE or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness.
- 3) Stipulates that as a condition of, and before adopting, a CCAP partnership agreement, the governing board of each district, at an open public meeting of that board, must present the dual enrollment partnership agreement as an informational item; and, at a subsequent open public meeting of that board, must take comments from the public and approve or disapprove the proposed agreement.
- 4) Specifies that the CCAP partnership agreement must:
 - a) Outline the terms of the CCAP partnership and shall include, but not necessarily be limited to, the scope, nature, time, location, and listing of the ability of pupils to benefit from those courses;
 - b) Establish protocols for information sharing, joint facilities use, and parental consent for high school pupils to enroll in community college courses; and,
 - c) Identify a point of contact for the participating CCD and school district partner.
- 5) Stipulates that the CCAP partnership agreement shall certify all of the following:
 - a) Any community college instructor teaching a course on a high school campus has not been convicted of any sex offense, as defined, or any controlled substance, as defined;
 - b) Any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus;
 - c) A qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus;
 - d) Both the CCD and the school district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the faculty member or teacher teaching a CCAP partnership course offered for high school credit; and,
 - e) Remedial courses taught by community college faculty at a partnering high school campus shall be offered only to high school students who test as non-proficient in

mathematics, English or both on a formative assessment in grade 10 or 11, as determined by the partnering school district.

- 6) Specifies that a copy of the CCAP partnership agreement must be filed with the CCCCCO and the California Department of Education before the start of the CCAP partnership.
- 7) Specifies that a CCD participating in a CCAP partnership shall not provide physical education course opportunities to high school pupils, as specified.
- 8) Specifies that a high school pupil enrolled in a course offered through the CCAP partnership cannot be charged any fee that is prohibited, as specified.
- 9) Specifies that a CCD participating in a CCAP partnership may assign priority for enrollment and course registration to a pupil seeking to enroll in a community college course that is required for the pupil's CCAP partnership program that is equivalent to the priority assigned to a pupil attending a middle college high school, as specified.
- 10) Specifies that a CCD may limit enrollment in a community college course solely to eligible high school students if the course is offered at a high school campus during the regular school day and the community college course is offered pursuant to a CCAP agreement.
- 11) Specifies that a CCD conducting a closed course on a high school campus, as specified, shall be credited with those units of full-time equivalent students (FTES) attributable to the attendance of eligible high school pupils.
- 12) Specifies that a CCD may allow a special part-time student participating in a CCAP partnership agreement to enroll in up to a maximum of 15 units per term if all of the following circumstances are satisfied:
 - a) The units constitute no more than four community college courses per term;
 - b) The units are part of an academic program that is part of a CCAP; and,
 - c) The units are part of an academic program that is designed to award students both a high school diploma and an associate's degree.
- 13) Stipulates that the governing board of a CCD participating in a CCAP partnership agreement may, in whole or part, exempt special part-time students, as specified, from fee requirements, as specified.
- 14) Stipulates that a district shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment.
- 15) Stipulates that attendance of a high school pupil at a community college as a special part-time or full-time student, as specified, is authorized attendance for which the community college shall be credited or reimbursed, provided that no school district has received reimbursement for the same instructional activity.

- 16) Stipulates that for each CCAP partnership agreement entered into, the affected CCD and the school district shall annually report to the CCCCCO all of the following information:
- a) Total number of high school pupils by school site enrolled in each CCAP partnership;
 - b) Total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants;
 - c) Total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants; and,
 - d) Total number of FTES generated by CCAP partnership CCD participants.
- 17) Requires the CCAP partnership report to the CCCCCO shall also be transmitted to the Legislature, Director of Finance (DOF), and the State Superintendent of Public Instruction (SPI).

EXISTING LAW:

- 1) Authorizes the governing board of a school district, upon recommendation of the principal of a student's school of attendance, and with parental consent, to authorize a student who would benefit from advanced scholastic or vocational work to attend a community college as a special part-time or full-time student. Additionally, current law prohibited a principal from recommending, for community college summer session attendance, more than 5% of the total number of students in the same grade level and exempted from the 5% cap a student recommended by his or her principal for enrollment in a college-level summer session course if the course in which the pupil was enrolled met specified criteria. These exemptions were repealed on January 1, 2014 (Education Code Section 48800, et seq.).
- 2) Prohibits a pupil enrolled in a public school from being required to pay a pupil fee for participation in an educational activity; and, specifies that all of the following requirements apply to the prohibition:
 - a) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge;
 - b) A fee waiver policy shall not make a pupil fee permissible;
 - c) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain via payment of a fee or purchase of additional supplies that the school district does not provide; and,
 - d) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school (EC Section 49011).

- 3) Requires the CCC Chancellor's Office to report to the Department of Finance and Legislature annually on the amount of FTES claimed by each CCC district for high school pupils enrolled in non-credit, non-degree applicable, and degree applicable courses; and provides that, for purposes of receiving state apportionments, CCC districts may only include high school students within the CCC district's report on FTES if the students are enrolled in courses that are open to the general public, as specified. Additionally, current law requires the governing board of a CCC district to assign a low enrollment priority to special part-time or full-time students in order to ensure that these students do not displace regularly admitted community college students (EC Sections 76001 and 76002).

FISCAL EFFECT: Unknown

COMMENTS: *Concurrent and dual enrollment background.* According to *New Directions for Community Colleges*, no. 169, Spring 2015, the practice for offering college courses to high school students stems from local practice in many states and was initiated between CCDs and local school districts, but the practice proceeded without clear state policy guidelines, regulations, or direction; resulting in variation in local practice. Some states, such as Minnesota, as far back as the 1980s, were early adopters of state dual credit policies, whereby their state policies provided a framework for offering college courses to high school students and the students receiving both college and high school credit for some of their courses.

Concurrent enrollment provides pupils the opportunity to enroll in college courses and earn college credit while still enrolled in high school. Currently, a pupil is allowed to concurrently enroll in a CCC as a "special admit" while still attending high school, if the pupil's school district determines that the pupil would benefit from "advanced scholastic or vocational work." Special-admit students have typically been advanced pupils wanting to take more challenging coursework or pupils who come from high schools where Advanced Placement or honors courses are not widely available. Additionally, programs such as middle college high schools and early college high schools use concurrent enrollment to offer instructional programs for at-risk pupils that focus on college preparatory curricula. These programs are developed through partnerships between a school district and a CCC. During summer session at a CCC, principals are limited to recommending no more than 5% of their pupils in each grade level to enroll at a CCC during a summer session. Existing law provides certain exemptions to this process (as aforementioned in current law above). These exemptions expired on January 1, 2014.

According to a February 2014 report by Education Commission of the States (ECS), the number of U. S. public high schools offering concurrent enrollment programs is growing, with 82% providing such opportunities in 2011-12. Academic research and state experience highlight the benefits of concurrent enrollment programs for improving college rates, particularly for minority and/or low-income students. Additionally, ECS finds that with the possible exception of the state of Massachusetts, minority and/or low-income students tend to be underrepresented in statewide concurrent enrollment programs.

Purpose of this bill. The author states, "Gradually more students are entering community colleges and some CSUs [California State University] assessing below college-level. Consequently, more courses are being offered on their respective campuses to prepare students for college level coursework." The author contends that, "This measure will increase the accessibility of concurrent enrollment programs in order to continue to achieve the goal of

helping low achieving students integrate into a college environment, increase the likelihood a degree program will be completed, decrease the length of time to complete a degree program, and stimulate interest in higher education among high school students."

How many? According to the CCCCO's statutorily required report on special admit enrollments: 26,604 (the most recent data available to date) special admit students were claimed systemwide, in summer 2013, with 22,432 of the students successfully completing and passing their courses. The summer 2013 numbers have slightly increased when compared to the previous last couple of years; however, the 2013 numbers remain significantly lower when compared to summer 2007, when of the 68,708 special admit students claimed systemwide, 53,387 successfully completed and passed their courses.

Double-dipping? There is a common perception that concurrent enrollment courses require a state to "pay twice" for a student to take a single course. However, according to ECS, "If the dual enrollment opportunity is strong, rather than paying twice, states are paying earlier." ECS concludes that the state is consolidating two payments into one if the community college course that the high school pupil takes is transferable to the postsecondary institution where he or she later enrolls.

To address this issue, this measure specifies that a district shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment.

Committee considerations. This measure creates an unprecedented policy shift; allowing high school pupils whose grade 10 or 11 formative assessment show that they are not college proficient, to take remediation courses while in high school, as taught by community college faculty on a high school campus, and receive credit.

While the measure calls for data around the CCAP partnership participants to be gathered and reported to the CCCCO, Legislature, DOF, and the SPI, there is no present requirement to assess the success of the remediation courses taught on the high school campuses. The author and Committee may wish to consider adding an accountability framework and evaluation mechanism to the measure in order to determine the success of the remediation courses taught by community college faculty to high school pupils on a high school campus.

Additionally, the author and Committee may wish to address who is responsible for additional support to pupils, faculty, teachers, and staff if the CCAP partnership does not aid in ensuring high school pupils are fully prepared for college level courses upon graduation.

Lastly, there is an inconsistency with the spelling of the word "school site" throughout the language of the measure; the author may wish to work with Legislative Counsel in order to be consistent throughout the entire measure with the spelling.

Conflicting legislation. AB 542 (Wilk) and AB 889 (Chang), which will both be heard today by this Committee, seek to amend and address some of the same code sections as this measure, addressing special part-time or full-time students and early and middle college high school students.

Staff recommends, should all the measures pass out of this Committee, that they eventually be amended to address potential chaptering out issues.

Related Legislation. There have been many bills introduced in the last several years that attempt to address concurrent enrollment and the 5% cap, including, but not limited to the following bills: AB 1451 (Holden), of 2014, which was held on the Senate Appropriations Committee Suspense file, was similar in nature to this measure. AB 1540 (Hagman), of 2014, which was held on the Assembly Appropriations Committee Suspense file, would, among other things, specify that the governing board of a school district may authorize a pupil, at the recommendation of a community college dean of a computer science department or another appropriate community college computer science administrator, and with parental consent, to attend a community college during any session or term as a special part-time or full-time student and to undertake one or more computer science courses offered at the community college. AB 2352 (Chesbro), of 2014, which was held on the Senate Appropriations Committee Suspense file would, among other things, remove early and middle college high school students concurrently enrolled at a CCC from receiving low priority admission status. AB 160 (Portantino), of 2011, which was held on the Senate Appropriations Committee Suspense file, removed certain restrictions on concurrent enrollment and authorized school districts to enter into partnerships with CCC districts to provide high school pupils opportunities for advanced scholastic work, career technical or other coursework at CCC campuses. AB 230 (Carter), Chapter 50, Statutes of 2011, exempted a pupil attending a middle college high school from the requirement that CCC governing boards assign a low enrollment priority to concurrent enrollment students if that pupil is seeking to enroll in a CCC course that is required for the pupil's middle college high school program. SB 1437 (Padilla), Chapter 718, Statutes of 2008, extended the sunset date from January 1, 2009 until January 1, 2014 for which this bill seeks to further extend the sunset. SB 1303 (Runner), Chapter 648, Statutes of 2006, exempted from the specified 5% cap on CCC summer session enrollment, a pupil recommended by his or her principal if the pupil met specified criteria.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda Science and Technology Institute
 Alameda Unified School District
 American Federation of State, County and Municipal Employees
 Banning High School
 California Catholic Conference, Inc.
 California Community Colleges (Sponsor)
 Castro Valley Unified School District
 Cerritos Community College District
 Chaffey Joint Union High School District
 Coast Community College District
 College of the Sequoias
 College of the Siskiyous
 City of Temecula
 Community College League of California
 Compton Unified School District
 Design Science Early College High School Boosters Club

Ed Voice
Feather River Community College District
Fremont Union High School District
Foothill De Anza Community College District
Gateway to College at Laney College
Gentrain Society of Monterey Peninsula College
Grossmont Union High School District
Hemet High School
Hemet Unified School District
Irvine Valley College
Kern Community College District
Kings Canyon Unified
Long Beach Community College District
Los Angeles College Faculty Guild
Los Angeles Community College District
Los Rios Community College District
Moreno Valley Unified School District
Mountain View Los Altos High School District
Mt. San Jacinto Community College District
Murrieta Valley Unified School District
North Orange County Community College District
North Valley Military Institute College Preparatory Academy
Oakland Unified School District
Paloma Valley High School
Pasadena Community College District
Peralta Community College District
Porterville College
Porterville Unified School District
Riverside Community College District
Sacramento City College, Davis Center
Saddleback College
San Bernardino Community College District
San Diego Community College District
San Diego Metropolitan Regional Career & Technical High School
San Diego Unified School District
San Francisco Community College District
San Jacinto Valley Academy
Santa Monica College
Santa Rosa Academy
Santa Rosa Junior College
Shasta-Tehama-Trinity Joint Community College District
South Orange County Community College District
Tri-Valley Regional Occupational Program
Valley Regional Occupational Program
West Kern Community College District
William S. Hart Union High School District
Yuba Community College District

Opposition

None on file.

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