

Date of Hearing: April 11, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 368 (Holden) – As Amended March 2, 2023

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

SUBJECT: College and Career Access Pathways partnerships

SUMMARY: Requires community colleges, who participate in College and Career Access Pathways (CCAP) partnerships to provide priority registration for participating high school students. Adds clarity to existing sections of the CCAP partnerships by defining “underrepresented in high education” and that courses offered in a CCAP partnerships may be provided to students on either a high school campus or a community college campus. Makes a clarifying update on the reporting requirements for CCAP partnerships. Specifically, **this bill:**

- 1) Defines “underrepresented in higher education” to mean, high school students who meet one or more of the following criteria: first-time college students, low-income students, current or former foster youth, homeless students or those who are at risk of being homeless, students with disabilities, students with dependent children, undocumented students, or students who are members of a group that have historically comprised a minority of the population of the United States.
- 2) Requires a CCAP participating community college district to assign priority enrollment and course registration to a pupil seeking to enroll in a community college course that is required for the student’s CCAP partnership. The priority enrollment will be the same priority currently provided to middle college high school students, as specified.
- 3) Clarifies that a CCAP participating community college may enroll high school students in up to 15 units per term in CCAP authorized courses at either the community college campus or the participating high school campus.
- 4) Clarifies that if a student enrolls in a CCAP course offered at a community college campus, the community college is not permitted to charge the student any fees, as defined.
- 5) Enumerates that a governing board of a community college participating in a CCAP agreement will enroll high school pupils in any course that is part of the CCAP partnership agreement is offered at a community college campus within the district. Further clarifies courses authorized by the CCAP partnership may be offered at either the community college campus or at the participating high school campus.
- 6) Requires by May 1 of each year that the Chancellor of the California Community Colleges provide a report to the Legislature, the Director of Finance, and the Superintendent of Public Instruction on CCAP partnerships. The report will include the following data points:
 - 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 community college courses enrolled in by CCAP participants disaggregated by course category, type, and by schoolsite;
 - c) The total number and percentage of successful course completions by CCAP participants, disaggregated by course category and type and by schoolsite,;
 - d) The total number of full-time equivalent students generated by CCAP partnership; and,
 - e) The total number of full-time equivalent students served online generated by CCAP partnerships.
- 7) Makes clarifying and technical changes to existing law.

EXISTING LAW:

- 1) Authorizes for a community college district to enter into a College and Career Access Pathways 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 the Chancellor of the CCC, by January 1, 2021, to prepare a summary report that includes an evaluation of the CCAP partnerships, an assessment of the growth of special admits system wide and by campus, and recommendations for improving the CCAP partnerships, as specified. The report will be transmitted to the Legislature, the Director of Finance, and the Superintendent of Public Instruction. 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: *Need for the measure.* As expressed by the author, “dual enrollment programs have illustrated the inequities and successes of education. I support dual enrollment and any opportunity to allow greater access to these programs because it welcomes youth into their careers and higher education in an intentional and thoughtful manner. Dual enrollment removes barriers and increases the likelihood of success for the next generation.”

Background on dual enrollment in California. Dual enrollment, for purposes of this analysis, is defined as high school or college courses offered to high school students which result in high school credit and college credit for the student who maintains good academic standing in the courses they undertake. Students in California have multiple options should they desire to obtain college credit while in high school. Aside from participating in a college credit acceleration program, known as an advanced placement program (AP) or an international baccalaureate diploma program (IB), students can also elect to take community college courses through dual enrollment opportunities.

Local K-12 school districts have choices when determining what type of dual enrollment program will best suit the needs of their students. A school district could elect to start a Middle College High School Program (MCHS) by partnering with a local CCC to provide a pathway for at-risk youth who are underperforming in high school. MCHS courses are offered either on a high school campus or on a CCC campus and afford a student the opportunity to earn a high school diploma and an associate degree. Another option is the Early College High School Program (ECHS) which requires a high school to partner with a CCC, CSU, or UC to offer college credit courses to high school students. ECHS courses are offered on a high school campus and a participating student earns both a high school diploma and up to two years of college units in four years. Currently there are 26 school sites that offer ECHS and MCHS programs in California. According to a 2021 Public Policy Institute of California’s (PPIC) report on “Dual Enrollment in California”, participation in ECHS and MCHS accounts for 19% of all dual enrollment participation in the state.

The final two dual enrollment options for K-12 school districts are either a traditional dual enrollment program, or a College and Career Access Pathways Partnership (CCAP). A traditional dual enrollment program is offered by the high school to high-achieving students who are authorized by the local K-12 district school board, on a case-by-case basis, to attend a CCC and take up to 11 units per term. Students are often high-achieving students, who can afford to pay for the CCC courses and have transportation to attend classes on the community college campus. According to the PPIC’s report on dual enrollment, the majority of students who enroll

in dual enrollment courses participate in a traditional dual enrollment program. The final option is a CCAP Partnership or a partnership between community college districts and neighboring K-12 districts to offer courses on the high school campus.

CCAP Partnerships. According to a report published by the UC Davis Wheelhouse on dual enrollment, prior to 2016 many of the policies in place in California discouraged dual enrollment partnerships between community college districts and their K-12 counterparts. In 2016, AB 288 (Holden), Chapter 618, Statute of 2016, established a partnership blueprint on how community college districts and K-12 districts could work together to provide college credit courses on high school campuses for high school students. As enumerated by Asm. Holden in 2016, the purpose of CCAP was to, “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.” As illustrated in the below diagram produced by the Legislative Analyst Office (LAO) in their “2022-2023 Budget: College and Career Proposals” report, CCAP partnerships provide a framework for a more structured, more inclusive dual enrollment opportunity for high school students.

	Traditional Dual Enrollment	College and Career Access Pathways
Target Population	Typically advanced high school students who are college bound.	High school students “who may not already be college bound or who are underrepresented in higher education.”
Location of Classes	Typically a CCC campus.	Typically a high school campus.
Instructor	Regular CCC faculty.	High school teachers meeting CCC faculty qualifications or regular CCC faculty.
CCC Apportionment Funding	College can claim only if class is open to the general public.	College can claim even if class is restricted to high school students.
Enrollment Fee	Colleges may charge students (though fee typically is waived).	Colleges are prohibited from charging students.
Textbooks and Supplies	Students generally are required to purchase.	Schools/colleges must provide to students free of charge.
Number of CCC Districts Participating	All 72 local CCC districts.	51 CCC districts with local agreements (2020).
Minimum Instructional Hours Per Day for High Schools to Claim ADA Funding	Four hours.	Three hours.

ADA = average daily attendance.

Source: LAO.

According to the 2021 PPIC report on dual enrollment, CCAP partnerships account for 11% of dual enrollment participation in the State. According to the Chancellor’s Office, in 2021-2022 there were 135 CCAP agreements in the State, with 60 community college districts participating in a partnership with a K-12 district.

CCAP was originally established as a pilot, and as with all pilots, a report was produced in 2021 by the CCC Chancellor’s Office on how the program could be improved. The report highlighted

dual enrollment had greatly increased in the state, which could be correlated to the increase in the number of CCAP partnerships being offered. However, there were concerns about whether CCAP was fulfilling its purpose to increase diversity in dual enrollment participation by targeting “underrepresented students”. The report suggested alleviating confusion as to who can participate in CCAP dual enrollment opportunities by defining underrepresented students in future legislation. AB 368 (Holden) seeks to provide this clarity by defining underrepresented students as “high school students who meet one or more of the following criteria: first-time college students, low-income students, current or former foster youth, homeless students or are at risk of being homeless, students with disabilities, students with dependent children, undocumented students, or students who are members of a group that have historically comprised a minority of the population of the United States.”

Priority enrollment at the CCC. In addition to defining underrepresented students, AB 368 (Holden) seeks to provide priority registration to students who participate in CCAP courses, regardless of the location of where the course is being offered. Under current law, community colleges can provide priority enrollment to students who participate in CCAP courses either on a K-12 campus or on a community college campus. The priority registration is limited to the agreed upon CCAP courses listed in the agreement between the K-12 district and the community college district.

Per requirements delineated in the Education Code, the CCCs are required to provide priority registration to: members, or former members of the United States Armed Forces, members, or former members of the State Guard, current, or former foster youth, current, or formerly homeless youth, students who identify as student-parents (by July 1, 2023), students who participate in Extended Opportunity Programs and Service programs (EOPS), disabled students (DSP), and students who participate in the CalWORKs program. According to the CCC Chancellor’s Office, community college districts can also add additional groups of students who can receive priority registration. Athletes, graduating/transferring students, students who participate in TRIO Programs, Puente Project, MESA, UMOJA, and students who participate in Student Success programs (those who attend orientation) or in the California Promise program are also granted priority registration.

Due to the increase in student populations who receive priority enrollment, the CCC has adopted regulations around the order in which priority registration will be provided. Specifically, the California Code of Regulations under Title 5, section 5, arranges the multitude of priority registrations offered by the CCC into three groups: Tier 1, or statutorily required priority registration, Tier 2, or other priority registrations the community college system has adopted, and Tier 3, or the priority registration provided to students on a district by district basis. Tier 2 consists of students who receive priority enrollment due to their continuation status as students of the college and are not on academic probation. Tier 2 is provided to first-time students who have completed orientation and have developed a student education plan. Technically, students who participate in MCHS or ECHS programs also receive priority enrollment at the Tier 3 level. AB 368 (Holden) seeks to provide parity between CCAP students and students who participate MCHS and ECHS by permitting students who participate in these dual enrollment programs the same level of priority in course registration across the state.

The CCC enrolls the largest population of students in California, and therefore, has the largest population of students receiving priority enrollment. In fall 2022, the total number of students who identified as being one of the six legislatively required populations for priority enrollment

was 174,291 out of 1,267,628, or 13.7% of the student population. If one were to add the projected number of student parents, based on the March 2021 UC Davis Wheelhouse Study from the Center on Community College Leadership and Research on Student Parents, the total percentage would increase to 27.1%. Dual enrollment students are provided a special part-time status for purposes of attendance and according to the California Community Colleges Data Mart, for the fall 2022 term, there were 131,598 special part-time admits. If we add this to the other cohorts of students provided priority enrollment the percentage of students receiving priority enrollment would increase to 35.8% of the student population. However it is worth noting that the priority enrollment listed in AB 368 (Holden) is assigned at the Tier 3 level or after continuing students who are in good standing; therefore, the number of displaced adult learners would be small and would be limited to adult learners who are on academic probation.

Concerns have been raised as to whether granting priority enrollment to high school students will displace community college students who need specified courses in order to matriculate to a degree. In the CCC Chancellor's Office report on CCAP half of the respondents who participated in the analysis of the programs expressed a desire to remove the 10% cap on special admits as there was not sufficient evidence that the cap on the number of dual enrollment participants was displacing adult learners. Furthermore, the Chancellor's Office acknowledged in the report a lack of data to support either side of the claim that dual enrollment programs do or do not displace adult learners. Therefore, to suggest adding priority enrollment for dual enrollment students could displace adult learners is making a determination on a policy that may help students not on data, but on perception.

The author may wish to require data to be collected on whether priority enrollment for CCAP participants is leading to the displacement of adult learners or impacting adult learners' ability to access necessary courses for degree attainment.

Arguments in support. As expressed by the Campaign for College Opportunity, "AB 368 will allow dual enrollment students to access community college courses without the barrier of additional enrollment fees, which opens the door to college for all 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 without any associated fees."

Committee comments. AB 368 (Holden) in part is a clarifying piece of legislation. The measure seeks to provide clarity on the Author's original intent for CCAP partnerships in the following ways:

- 1) Provides clarity on who is an underrepresented student in higher education;
- 2) Provides clarity on where CCAP courses can be offered at both K-12 campuses and community college campuses; and,
- 3) Provides clarity that the CCC Chancellor's Office should be providing data on CCAP partnerships annually providing the Legislature, the Department of Finance, and the Superintendent of Public Instruction by May 1 of each year.

All of the above "changes" to CCAP agreements simply seek to clarify what was already required or permissible within the current Education Code. Committee Staff has become aware that some community colleges have suggested that high school students are not permitted to take

CCAP courses on the CCC campus and that the law restricts the location of the CCAP courses to K-12 campuses. While the language of Education Code Section 76004 permits the partnership agreement to determine the location of where the courses are offered; thereby implying the course can be offered either on a K-12 campus or a CCC campus. AB 368 (Holden) wishes to remove any doubt by clearly stating the agreed upon CCAP course can be offered either at the CCC campus or the K-12 campus.

In defining “underrepresented students”, the author has elected to use language referencing “students who are members of a group that have historically comprised a minority of the population of the United States.” Potentially this could be seen as a violation of Proposition 209 which prohibits preferential treatment based on race, sex, color, ethnicity, or national origin. To suggest that CCAP partnerships are to prioritize students for enrollment who are underrepresented in higher education and to define these students as those who comprise a minority of the population could be construed in a manner to suggest the statute would be providing preferential treatment based on race, sex, color, ethnicity, or national origin.

The Committee suggests the author work with Legislative Counsel to refine the definition of underrepresented students in the future to mitigate any concerns regarding a potential violation of Proposition 209.

REGISTERED SUPPORT / OPPOSITION:

Support

California Charter Schools Association
Campaign for College Opportunity
Hispanas Organized for Political Equality
San Jose-evergreen Community College District
The Education Trust - West
Uaspire

Opposition

None on file.

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