
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

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Subject: Public schools: College and Career Access Pathways partnerships

SUMMARY

This bill authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district within its immediate service area, as specified, to offer or expand dual enrollment opportunities with the goal of developing seamless pathways from high school to community college for career-technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness and outlines the conditions which must be met prior to the adoption of such an agreement.

BACKGROUND

Existing law:

- 1) Authorizes the governing board of a school district, upon recommendation of the principal of a pupil's school and with parental consent, to authorize a student to concurrently enroll in a community college during any session or term to undertake one or more courses of instruction. Existing law prohibits a principal from recommending, more than 5% of the total number of students in the same grade level for community college summer session attendance. (Education Code § 48800 et seq.)
- 2) Authorizes a community college district governing board to admit as a special part-time or full-time student any student eligible pursuant to EC 48800 and requires the governing board of a California Community College (CCC) district to assign these students a low enrollment priority in order to ensure that these students do not displace regularly admitted community college students. An exemption to this requirement is extended to Middle College High School (MCHS) students. (EC § 76001)
- 3) Requires the California Community College Chancellor's Office (CCCCO) to report to the Department of Finance and Legislature annually on the amount of full-time equivalent students (FTES) claimed by each CCC district for high school pupils enrolled in non-credit, non-degree applicable, degree applicable (excluding physical education), and degree applicable physical education 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 California Community College (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 § 76001 and § 76002)

- 4) Restricts the proportion of a community college physical education class that may be comprised of special part-time or full-time students to 10% and caps the amount of state apportionment that may be claimed for these students at no more than 5% of the district's total reported full-time equivalent enrollment of special part-time and full-time students. (EC § 76002)

ANALYSIS

This bill authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district within its immediate service area, as specified, to offer or expand dual enrollment opportunities with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness, and outlines the conditions which must be met prior to the adoption of such an agreement. It:

- 1) Authorizes the governing board of a community college district to enter into a CCAP partnership with the governing board of a school district that is governed by a CCAP agreement approved by the governing boards of both districts.
- 2) Requires, as a condition of and prior to adopting a CCAP partnership agreement, that both districts present and take public comment on the proposed agreement at public meetings of their respective boards, first as an informational item, and then, at a subsequent meeting, approve or disapprove the proposed agreement.
- 3) Authorizes a participating community college district to:
 - a) Assign priority enrollment and registration to high school students enrolling in community college courses required for the partnership program equivalent to that which exists for Middle College High School participants under current law.
 - b) Limit enrollment in a course solely to eligible high school students if the course is offered at a high school campus during the regular school day pursuant to a CCAP agreement.
 - c) Allow special part-time students to enroll in up to a maximum of 15 units per term if the units constitute no more than 4 community classes and are part of a CCAP academic program designed to award students both a high school diploma and an associate's degree.
- 4) Outlines various requirements and authorities for districts that adopt a CCAP.
 - a) Requires the following in regards to the agreement.

- i) An outline of the terms of the partnership, and may include, but not be limited to, the scope, nature, and schedule of courses offered, and the criteria to assess the ability of pupils to benefit from those courses, and requires the agreement to establish protocols for information sharing, joint facilities use, and parental consent for pupils.
 - ii) Identification of a point of contact for the participating school and community college districts.
 - iii) Filing of the agreement with the Office of the Chancellor of the California Community College (CCC) and the California Department of Education prior to the start of the partnership.
- b) Establishes the following prohibitions:
- i) Prohibits a community college district from entering into a College and Career Access Pathways (CCAP) partnership with a school district within the service area of another community college district, unless an agreement exists or is established between the community college districts authorizing the partnership.
 - ii) Prohibits a community college district from providing physical education course opportunities to high school pupils, or any other course opportunities that do not assist in the attainment of the goals of a CCPA, as specified.
 - iii) Prohibits any high school pupil from being assessed any course-related fees, as specified, for a community college course offered through a CCPA and specifically authorizes a community college district to exempt students enrolled in CCPA courses, in whole or in part, from student representation, non-resident, transcript, apprentice course, per unit, and child care fees.
- c) Establishes requirements relative to instructors. It requires the agreement to:
- i) Certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offenses or any controlled substance offenses, as specified.
 - ii) Certify that no community college instructor or qualified high school teacher has been displaced or terminated as the result of the same course being offered by their counterpart at a partnering high school or community college campus.
 - iii) Certify that community college courses offered for college credit at the high school do not reduce access to the same course offered at the partnering community college campus.
 - iv) Certify that both the CCC and school district comply with local bargaining agreements and all state/federal reporting requirements regarding the qualifications of the instructors teaching partnership courses for high school credit.

- v) Specify which district will be the employer of record for purposes of assignment monitoring and reporting to the county office of education, and will assume reporting responsibility pursuant to federal teacher quality mandates.
 - vi) Certify that remedial courses taught by community college faculty at the high school campus will only be offered to students testing as nonproficient in math, English, or both, on a 10th or 11th grade formative assessment, as determined by the school district.
- d) Establishes the following funding provisions:
- i) Requires that, for purposes of allowance and apportionments of the State School Fund, a community college district conducting a closed course on a high school campus be credited with additional units of full-time equivalent students (FTES) attributable to the attendance of eligible high school pupils.
 - ii) Prohibits a district participating in a partnership from receiving a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment.
 - iii) Provides that attendance of a College and Career Access Pathways (CCAP) high school student at a community college as a special part-time or full-time student is authorized attendance for which the community college is credited or reimbursed under existing statutory authority, provided that no school district has received reimbursement for the same instructional activity.
- 5) Requires for each CCAP partnership agreement entered into, that the affected school district and community college district annually report as specified to the California Community College (CCC) Chancellor's Office, and to the Legislature, the Department of Finance, and the Superintendent of Public Instruction and requires that these reports include:
- a) An evaluation of the CCAP partnerships and recommendations regarding program improvements, including the need for additional student assistance or academic resources to ensure the CCAP partnerships' overall success.
 - b) Total number of students enrolled at each schoolsite by gender and ethnicity, total number of CCC courses and course completions, as well as percentage of course completions by category, type, and schoolsite, and the total number of full-time equivalent students (FTES) generated by participants.
- 6) Provides that violation of these provisions by a community college district makes the district subject to the imposition of restrictions on interdistrict attendance and a penalty of retention of up to 5% of its appropriation under community college apportionment provisions.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, the overall goal of this bill is to increase the accessibility of concurrent enrollment programs to a broader range of students, including lower achieving students in order to integrate them into a college environment, reduce the need for college remediation in math and English, 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.
- 2) ***Related History.*** In December 2002, the Orange County Register ran the first in a series of highly critical articles regarding concurrent enrollment practices in the community colleges. The articles specifically focused on high school physical education (PE) classes and various suspected abuses.

These anecdotal allegations resulted in a Chancellor's Office investigation which revealed that full-time equivalent students (FTES) generated by concurrent enrollment in both credit and noncredit courses grew from approximately 16,000 in 1992-93 to over 52,000 in 2000-01, outpacing the overall enrollment growth of the community college system. While concurrent enrollment included courses in a variety of curricular areas, there had been significant growth in concurrent enrollment in PE courses. The proportion of FTES for concurrent enrollment in PE courses was approximately 15% in 1992-93, but these courses comprised 34% of FTES for concurrent enrollment in 2000-01, the equivalent of 1.7% of all the FTES generated by the community colleges as a system. The expansion of concurrent enrollment in PE courses was more pronounced in about one-fifth (20%) of the system's 72 districts and was especially evident with respect to PE programs. By 2001-02, six districts within the system produced 53% of the PE concurrent enrollment FTES generated by the entire system for that year. These districts included Los Angeles, Butte, North Orange, Contra Costa, Santa Clarita, and Mt. San Antonio.

As a result, SB 338 (Scott, Chapter 786, Statutes of 2003) was enacted to specify the conditions whereby concurrent enrollment of pupils between a school and community college district is permitted, establish restrictions on the amount of FTES that could be claimed for PE courses, and require annual reporting by the Chancellor of the amount of FTES claimed by each district for special full-time and special part-time students overall and for PE courses specifically.

- 3) ***Existing concurrent enrollment options.*** Community college districts have several statutorily authorized means by which apportionment can be claimed for minors enrolled by the district. These include:
 - a) ***Special part-time full time students.*** Current law authorizes a school district governing board to recommend students who would benefit from advanced scholastic or vocational work for attendance at a community college upon recommendation of the principal, and limits the number of students who can be recommended for summer session enrollments to 5% of the students in each grade. Community colleges are authorized to claim FTES reimbursement for

these students only if the course is open and advertised to the general public. The proportion of a community college physical education (PE) class that may be comprised of special part-time or full-time students cannot exceed 10% and apportionment for these students cannot exceed 5% of the district's total reported full-time equivalent students (FTES) for special part-time and full-time students. Students are limited to enrolling in a maximum of 11 units per semester, and must be assigned low enrollment priority by the college to avoid displacement of adults.

- b) *Early College High Schools (ECHS) and Middle College High Schools (MCHS)*. ECHS are designed for young people who are underrepresented in postsecondary education, including students who have not had access to the academic preparation needed to meet college readiness standards, students for whom the cost of college is prohibitive, students of color, first generation college-goers, and English language learners. MCHS is a collaborative program that enables high-potential, "at-risk" students to obtain a high school education while concurrently receiving direct access to college courses and services. High school students attend classes at a community college and earn credit toward a high school diploma while having the opportunity to concurrently take college courses and to receive more intensive counseling and administrative attention. According to Job for the Future, which launched ECHS in 2002, there are currently 40 ECHS in California, of which 92% are partnered with a community college. According to the Chancellor's Office 9 community colleges offer recognized middle college programs. These programs are subject to the same conditions that exist for special admit students, with the exception that MCHS students are exempt from the low enrollment priority provisions for classes necessary for completion of their programs.
- c) *College Promise Partnership Act*. SB 650 (Lowenthal, Chapter 633, Statutes of 2011) authorized a partnership between the Long Beach community college and school district to provide a seamless bridge to college for students who were not already college bound and to reduce the time needed for advanced students to complete programs. These students are exempted from the requirements applicable to special admit students that they must be recommended by the school principal. The community college is eligible to receive FTES for these students but is prohibited from receiving apportionment for instructional activity for which the school district received apportionment. The community college is required to provide for an independent evaluation, as specified, to be presented to the Chancellor and the Legislature by December 30, 2016. The authority for this partnership sunsets on January 1, 2018.

This bill would create yet another category of special admit options, the College and Career Access Pathways Act. According to the sponsor, this bill is intended to authorize a model more like the Long Beach Promise that offers dual enrollment as a pathway, rather than a series of disconnected individual courses, and, unlike ECHS and MCHS, provides greater flexibility in the delivery of courses at the high school campus. Unlike existing concurrent enrollment options, this bill would authorize community colleges to offer courses that are closed to the general public if offered on a high school campus, to grant special admit students higher enrollment priority than currently possible, and to exceed

the current 11 unit cap per semester if the student is receiving both a high school diploma and an associate's degree.

- 4) ***Why expand dual enrollment options?*** 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 going 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.

Similarly, in a 2012 report on its Concurrent Courses Initiative, the Irvine Foundation found that participants in dual enrollment programs that focused on underrepresented students had better academic outcomes relative to comparison students in the same districts. They were:

- a) More likely to graduate from high school.
- b) More likely to transition to a four-year college (rather than a two-year college).
- c) Less likely to take basic skills courses in college.
- d) More likely to persist in postsecondary education.
- e) Accumulating more college credits than comparison students.

The stated intent of this bill is to provide dual enrollment to a broader range of students, including lower achieving students, and to reduce remediation, increase degree completion, decrease time to degree, and stimulate interest in higher education among high school students. To ensure that CCAP partnerships accomplish this goal, **staff recommends** the bill be amended on page 3 line 31 to insert "for students who may not already be college bound or who are underrepresented in higher education."

- 5) ***What proportion is reasonable?*** The chart below summarizes the trends around special admits in relation to total full-time equivalent students for the community colleges for the last decade.

Academic Year	Total Special Admit FTES	Total FTES	% Special Admit
02-03	48019	1,153,500.72	4.16%
03-04	30195	1,111,033.10	2.72%
04-05	25881	1,090,890.99	2.37%
05-06	26637	1,114,657.11	2.39%
06-07	29329	1,135,507.74	2.58%
07-08	32908	1,223,516.36	2.69%
08-09	35294	1,314,994.98	2.68%
09-10	31406	1,315,267.68	2.39%
10-11	22560	1,279,580.39	1.76%
11-12	18759	1,183,995.58	1.58%
12-13	16451	1,128,199.88	1.46%
13-14	17190	1,166,029.63	1.47%

As noted in staff comment #2, the current restrictions on special admits were the result of perceived abuses in the past. What is the potential for abuse of this new authority? How much of community college apportionments should be used for educating high school students? How do we ensure that the expansion of special admits does not come at the expense of the core mission of the community colleges to serve adults?

Staff recommends the bill be amended to cap the statewide full-time equivalent students (FTES) which may be claimed for special admits at 7% of total FTES, in order to allow for the growth of these programs, yet ensure that the vast majority of community college funding continues to be used for its core mission of serving adults.

Staff further recommends, consistent with prior actions on a similar bill, that the bill be amended to sunset this authority in 2022, pending a review of the reports required under the bill’s provisions.

- 6) **Chancellor’s Office oversight?** This bill establishes a fairly open ended authority for all districts to implement dual enrollment programs with much greater flexibility than possible under current law. In light of the past issues around concurrent enrollment, is “certification” of compliance with the bill’s requirements sufficient? How will the Chancellor’s Office ensure that the statewide cap on special admit full-time equivalent students (FTES) is not exceeded?

Staff recommends the bill be amended on page 4 in subdivision (c)(1) to additionally require that the partnership agreement specify the total number of high school students to be served and the total FTES projected to be claimed by the community college district for these students.

Staff also recommends the bill be amended on page 5 subdivision (k) to additionally require that the agreement must include certification by the participating

community college district that participation in the partnership is consistent with the core mission of the colleges pursuant to section 66010.4 and that instruction of high school partnership students does not result in the displacement of otherwise eligible adults in the community college.

Staff further recommends the bill be amended on page 4 line 19 to insert, “The Chancellor’s Office shall have the authority to disallow any agreement it determines has not complied with the intent of the requirements of this section.”

- 7) **Fees.** This bill appropriately prohibits assessment of course fees on any high school student participating in a College and Career Access Pathways (CCAP) partnership. However, subdivision (q) on page 6 authorizes a community college governing board to exempt these students from various other fees, suggesting that the board could also choose not to exempt these students from those fees. **Staff recommends** the bill be amended on page 6 line 38 to strike “may, in whole or in part” and insert “shall.”
- 8) **Remedial courses.** This measure creates an unprecedented policy shift by authorizing community college faculty to teach remedial courses to high school pupils whose grade 10 or 11 formative assessment indicates that they are not proficient in math, English, or both, on a high school campus. According to the sponsor, the intent is to facilitate collaboration between high school and community college faculty to deliver innovative remediation courses as an intervention in the student’s senior year to ensure the student is prepared for college level work upon graduation. **Staff recommends** the bill be amended to clarify that the agreement shall certify that any remedial courses taught by community college faculty shall only be offered to high school students who test as non-proficient in grade 10 or 11, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative remediation course as an intervention in the student’s senior year to ensure the student is prepared for college level work upon graduation.
- 9) **Clarify reporting requirements.** According to the sponsor, it is the intent that districts report data to the Chancellor’s Office, and that the Chancellor be responsible for a summary report evaluating the CCAP partnerships. In addition to the existing recommendations required in this report, it would be use for the Legislature to be provided with a summary of trends in the growth of special admits systemwide and by campus and for the Chancellor to include recommendations for any changes to the statewide cap on special admits FTES to ensure that adults are not being displaced. **Staff recommends** the bill be amended on page 7 line 32 to make these additions and clarifications, and recommends that the report be required no later than January 1, 2021.

Staff further recommends that the bill be amended to clarify that the Chancellor shall also report on the full-time equivalent students (FTES) generated by CCAP partnerships in the report required under Education Code section 76002.

- 10) **Clarification of applicability.** According to the sponsor, this bill is not intended to replace or affect existing partnership agreements. However, to the extent an existing partnership wants to exercise the new authorities established by this bill, it would be required to comply with the bill’s provisions. **Staff recommends** the bill be

amended to clarify that, “ Nothing in this section is intended to affect existing dual enrollment partnership agreements under which an existing early college high school, middle college high school or California Career Pathways Trust is operated. An existing early college high school, middle college high school or California Career Pathways Trust partnership agreement is prohibited from operating as a CCAP partnership unless it complies with the provisions of this section.”

- 11) ***K-12 Local Control Funding Formula and Accountability.*** The K-12 school financing system was significantly reformed as part of the 2013 State budget. Among other things, the new system provides enhanced funding based on the premise that greater resources be directed to serve those student populations with the greatest educational needs, and gives K-12 districts increased spending flexibility to improve student outcomes. Under this new funding model, each LEA develops a local control and accountability plan (LCAP) that identifies locally determined goals, actions, services, and expenditures of LCFF funds for each school year in support of the state educational priorities that are specified in statute, as well as any additional local priorities. This bill requires several certifications as part of a CCAP agreement. Should these be expanded to require that K-12 partners certify that participation is consistent with their LCAPs and demonstrate how LCCF funds generated under its concentration and supplemental grants are being used within the partnership to serve these students?
- 12) ***Technical privacy protection amendments.*** In order to ensure that the privacy rights of minor students are fully protected **staff recommends** the following amendments:
- a) On page 4, line 11, after “information sharing” insert “in full compliance with all applicable state and federal privacy data laws.”
 - b) On page 7, line 20, after “partnership” replace the rest of the sentence with “aggregated by gender and ethnicity, and reported in full compliance with all applicable state and federal privacy data laws.”
- 13) ***Related and Prior legislation.***

RELATED LEGISLATION

AB 542 (Wilk), also on the Committee’s agenda today, relaxes the restrictions on community college enrollment of special part-time and full-time students enrolled in middle college and early college high schools.

PRIOR LEGISLATION

AB 1451 (Holden), until January 1, 2020, removed certain restrictions on concurrent enrollment and authorized school districts to enter into partnerships with community college districts to provide high school pupils opportunities for advanced scholastic work, career technical or other coursework at a community college campus. AB 1451 was passed by this Committee on a 7-0 vote, but was subsequently held in the Senate Appropriations Committee.

SUPPORT

Alameda Science and Technology Institute
Alhambra Unified School District
American Federation of State, County and Municipal Employees (AFL-CIO)
Association for California School Administrators
California Catholic Conference, Inc.
California Chamber of Commerce
California Community College Association for Occupational Education
California Community Colleges, The Chancellor's Office
California EDGE Coalition
California Equity Leaders Network
California School Boards Association
California State PTA
California Teachers Association
Castro Valley Unified School District
Chaffey Community College District
Children Now
Claremont Unified School District
Community College League of California
Compton Unified School District Board of Trustees
Ed Voice
Feather River Community College District
Kern Community College District
Kern County Superintendent of Schools
Kings Canyon Unified School District
Long Beach Community College District
Los Angeles College Faculty Guild
Los Angeles Community College District
Los Angeles County Office of Education
Los Angeles Unified School District
Los Rios Community College District
Los Rios Community College District Board of Trustees
Madera County Board of Supervisors
Moreno Valley Unified School District
Mt. San Antonio College
Nevada Joint Union High School District
North Orange County Community College District
Orange County Business Council
Pasadena City College
Pasadena Community College District
Peralta Community College District
Placer Union High School District
Riverside County Superintendent of Schools
Rocklin Unified School District
Roseville Joint Union High School District
Rural County Representatives of California
Saddleback College
San Bernardino Community College District
San Diego Community College District

San Diego Community College District Board of Trustees
San Diego Unified School District
San Francisco Community College District
San Jose Evergreen Valley College District
Santa Monica College
Shasta-Tehama-Trinity Joint Community College District
Sierra Community College District
Siskiyou Joint Community College District
South Orange County Community College District
Tahoe Truckee Unified School District
Ventura County Community College District
West Contra Costa Unified School District
West Kern Community College District
Western Placer Unified School District
Yuba Community College District

OPPOSITION

None received.

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