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AB-368 College and Career Access Pathways partnerships. (2023-2024)

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Assembly Bill No. 368

CHAPTER 521

An act to amend Section 76004 of the Education Code, relating to community colleges.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 368, Holden. College and Career Access Pathways partnerships.

Existing law 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 or a county office of education, or the governing body of a charter school for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, 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. Existing law requires the CCAP partnership agreement to outline the terms of the CCAP partnership, as specified, and to establish protocols for information sharing, joint facilities use, and parental consent for high school pupils to enroll in community college courses. Existing law authorizes a community college district participating in a CCAP partnership to 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, as specified. Existing law requires the governing board of a community college district participating in a CCAP partnership to exempt special part-time students from certain fee requirements.

This bill would specify groups of students who may be considered "underrepresented in higher education" for these purposes. The bill would require the governing board of a community college district participating in a CCAP partnership to enroll high school pupils in any course that is part of a CCAP partnership offered at a community college campus, and would expressly authorize courses to be offered at the community college campus or the participating high school campus. The bill would require a community college district to 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. The bill would also exempt all pupils seeking to enroll in a community college course that is required for the pupil's CCAP partnership program from specified fee requirements.

Existing law requires, for each CCAP partnership agreement, the affected community college district and school district or county office of education to report annually to the office of the Chancellor of the California Community Colleges specified information.

This bill would require, on or before May 1 of each year, the chancellor to aggregate that information and submit a report of that information to the Legislature, the Director of Finance, and the Superintendent of Public Instruction.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature by this act to increase the participation in dual enrollment for students who are underrepresented in higher education. According to the Student Aid Commission, this includes first-time college students, low-income students, students who are current or former foster youth, homeless students or students at risk of being homeless, students with disabilities, students with dependent children, and undocumented students.

SEC. 2. Section 76004 of the Education Code is amended to read:

76004. Notwithstanding Section 76001 or any other law:

(a) (1) The governing board of a community college district may enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district or a county office of education for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, 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.

(2) As used in this section, "high school" includes a community school, continuation high school, juvenile court school, or adult education program offering courses for high school diplomas or high school equivalency certificates.

(3) As used in this section, "underrepresented in higher education" may include first-time college students, low-income students, students who are current or former foster youth, homeless students, students with disabilities, and students with dependent children.

(b) A participating community college district may enter into a CCAP partnership with a school district or county office of education partner that is governed by a CCAP partnership agreement approved by the governing boards of both partners. As a condition of adopting a CCAP partnership agreement, the governing board of each partner shall do both of the following:

(1) For career technical education pathways to be provided under the partnership, consult with, and consider the input of, the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs. The governing board of each partner shall have final decisionmaking authority regarding the career technical education pathways to be provided under the partnership.

(2) Present, take comments from the public on, and approve or disapprove the dual enrollment partnership agreement at an open public meeting of the governing board of the partner.

(c) (1) The CCAP partnership agreement shall outline the terms of the CCAP partnership, and shall include, but not be limited to, the total number of high school pupils to be served and the total number of full-time equivalent students projected to be claimed by the community college district for those pupils; the scope, nature, time, location, and listing of community college courses to be offered; and criteria to assess the ability of pupils to benefit from those courses. The CCAP partnership agreement shall also establish protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school pupils to enroll in community college courses. The protocols shall only require a high school pupil participating in a CCAP partnership to submit one parental consent form and principal recommendation for the duration of the pupil's participation in the CCAP partnership.

(2) The CCAP partnership agreement shall identify a point of contact for the participating community college district and school district or county office of education partner.

(3) A copy of the CCAP partnership agreement shall be filed with the office of the Chancellor of the California Community Colleges and with the department before the start of the CCAP partnership. The chancellor may void any CCAP partnership agreement it determines has not complied with the intent of the requirements of this section.

(d) A community college district participating in a CCAP partnership shall not provide physical education course opportunities to high school pupils pursuant to this section, or any other course opportunities that do not assist in the attainment of at least one of the goals listed in subdivision (a).

(e) A community college district shall not enter into a CCAP partnership with a school district or a county office of education within the service area of another community college district, except where an agreement exists, or is established, between those community college districts authorizing that CCAP partnership.

(f) A high school pupil enrolled in a course offered through a CCAP partnership shall not be assessed any fee that is prohibited by Section 49011.

(g) (1) A community college district participating in a CCAP partnership shall 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 described in Section 11300 and consistent with the middle college high school provisions in Section 76001.

(2) Units completed by a pupil pursuant to a CCAP partnership agreement may count towards determining a pupil's registration priority for enrollment and course registration at a community college.

(h) The CCAP partnership agreement shall certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in Section 87010, or convicted of any controlled substance offense as defined in Section 87011.

(i) The CCAP partnership agreement shall certify that 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.

(j) The CCAP partnership agreement shall certify that 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.

(k) The CCAP partnership agreement shall include a plan by the participating community college district to ensure both of the following:

(1) A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus.

(2) Participation in a CCAP partnership is consistent with the core mission of the community colleges as described in Section 66010.4, and that pupils participating in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.

(l) The CCAP partnership agreement shall certify that both the school district or county office of education and community college district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a CCAP partnership course offered for high school credit.

(m) The CCAP partnership agreement shall specify both of the following:

(1) Which partner will be the employer of record for purposes of assignment monitoring and reporting to the county office of education.

(2) Which partner will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.

(n) The CCAP partnership agreement shall certify that any pretransfer-level course taught by community college faculty at a partnering high school campus shall be offered only to high school pupils who do not meet their grade level standard in mathematics, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district or county office of education, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative pretransfer course as an intervention in the pupil's junior or senior year to ensure that the pupil is prepared for college-level work upon graduation.

(o) (1) A community college district may limit enrollment in a community college course solely to eligible high school pupils if the course is offered at a high school campus, either in person or using an online platform, during the regular schoolday and the community college course is offered pursuant to a CCAP partnership agreement.

(2) For purposes of allowances and apportionments from Section B of the State School Fund, a community college district conducting a closed course on a high school campus pursuant to paragraph (1) shall be credited with those units of full-time equivalent students attributable to the attendance of eligible high school pupils.

(p) A community college district may allow a special part-time student participating in a CCAP partnership agreement established pursuant to this article to enroll in up to a maximum of 15 units per term in courses offered at the community college campus or the participating high school campus, if all of the following circumstances are satisfied:

(1) The units constitute no more than four community college courses per term.

(2) The units are part of an academic program that is part of a CCAP partnership agreement established pursuant to this article.

(3) The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.

(q) The governing board of a community college district participating in a CCAP partnership agreement established pursuant to this article shall exempt pupils seeking to enroll in a community college course required for the pupil's CCAP partnership program from the fee requirements in Sections 76060.5, 76223, 76300, 76350, and 79121.

(r) The governing board of a community college district participating in a CCAP partnership agreement shall enroll high school pupils in any course that is part of a CCAP partnership agreement offered at a community college campus. Courses offered through the CCAP program may be offered at the community college campus or the participating high school campus.

(s) A district or county office of education shall not receive a state allowance or apportionment for an instructional activity for which the partner has been, or shall be, paid an allowance or apportionment.

(t) (1) The attendance of a high school pupil at a community college as a special part-time or full-time student pursuant to this section is authorized attendance for which the community college shall be credited or reimbursed pursuant to Section 48802 or 76002, provided that no school district or county office of education has received reimbursement for the same instructional activity.

(2) For purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by a charter school pursuant to an authorized CCAP partnership agreement shall be at the schoolsite, and the charter school shall require the attendance of a pupil for a minimum of 50 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5, if the pupil is also a special part-time student enrolled in a community college pursuant to this section and the pupil will receive academic credit upon satisfactory completion of enrolled courses.

(u) (1) For each CCAP partnership agreement entered into pursuant to this section, the affected community college district and school district or county office of education shall report annually to the office of the Chancellor of the California Community Colleges all of the following information:

(A) The total number of high school pupils by schoolsite enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.

(B) The total number of community college courses, by course category and type and by schoolsite, enrolled in by CCAP partnership participants.

(C) The total number and percentage of successful course completions, by course category and type and by schoolsite, of CCAP partnership participants.

(D) The total number of full-time equivalent students generated by CCAP partnership community college district participants.

(E) The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.

(2) On or before May 1 of each year, the chancellor shall aggregate the information annually reported pursuant to paragraph (1) and submit a report of that information to all of the following:

(A) The Legislature, in compliance with Section 9795 of the Government Code.

(B) The Director of Finance.

(C) The Superintendent.

(3) The chancellor shall ensure that the number of full-time equivalent students generated by CCAP partnerships is reported pursuant to the reporting requirements in Section 76002.

(4) On or before July 31, 2020, the chancellor shall revise the special part-time student application process to allow a pupil to complete one application for the duration of the pupil's attendance at a community college as a special part-time student participating in a CCAP partnership agreement.

(v) A community college district that violates this article, including, but not limited to, any restriction imposed by the board of governors pursuant to this article, shall be subject to the same penalty as may be imposed pursuant to subdivision (d) of Section 78032.

(w) This section does not affect a dual enrollment partnership agreement existing on January 1, 2016, under which an early college high school, a middle college high school, or a California Career Pathways Trust existing on January 1, 2016, is operated. An early college high school, middle college high school, or California Career Pathways Trust partnership agreement existing on January 1, 2016, shall not operate as a CCAP partnership unless it complies with this section.

(x) The governing body of a charter school may enter into a CCAP partnership agreement with the governing board of a community college district pursuant to this section. That CCAP partnership agreement shall comply with all applicable requirements of this section.