

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

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

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

SUBJECT: College and Career Access Pathways partnerships

SUMMARY: Requires various clarifying changes to College and Career Access Pathways (CCAP) partnerships. Specifically, **this bill:**

- 1) Defines “underrepresented in higher education” to mean members of groups that have historically comprised a minority of the population of the United States, 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.
- 2) Authorizes a California community college (CCC) district to allow a special part-time student participating in a CCAP partnership agreement 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.
- 3) Requires the governing board of a CCC district participating in a CCAP partnership agreement to exempt pupils seeking to enroll in a CCC course required for the pupil’s CCAP partnership program from the CCC fee requirements.
- 4) Requires the governing board of a CCC district participating in a CCAP partnership agreement to enroll high school pupils in any course that is part of a CCAP partnership agreement offered at a CCC campus. Authorizes courses offered through the CCAP program to be offered at the CCC campus or the participating high school campus.
- 5) Requires, on or before May 1 of each year, the Chancellor of the California Community Colleges (Chancellor) to aggregate the CCAP participation information reported by school districts and community colleges and submit a report of that information to the Legislature, Director of Finance (DOF) and Superintendent of Public Instruction (SPI).

EXISTING LAW:

- 1) Authorizes a student to undertake courses at a CCC if the governing board of a school district, upon recommendation of the principal of the student’s high school and with parental consent, determines a student would benefit from advanced or vocational coursework. The student may attend the CCC during any session or term as a special part-time or full-time student and take one or more courses of instruction offered at the CCC. Provides methods for parents to petition for students to attend community college courses and methods for appeals in case of a denial. Includes criteria for allocating attendance and funding for high school students who attend courses at the community college.

- 2) Stipulates that summer courses may be offered if a student has met specified conditions and if the principal has not recommended summer session attendance to more than 5% of the student's grade population in the previous year. All physical education courses must adhere to the 5% threshold and the following courses are exempt until January 1, 2027:
 - a) Courses which are part of a CCAP and meet specified criteria;
 - b) Courses which are lower division, college-level courses that are either a college-level course that are part of the Intersegmental General Education Transfer Curriculum or applies towards the general education requirements of the CSU; and
 - c) Courses which are a college-level occupational course, as defined. (Education Code (EC) 48800)
- 3) Authorizes, until January 1, 2027, the governing board of a CCC district to enter into a CCAP partnership with the governing board of a school district 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.
- 4) Requires that the CCAP partnership agreement be approved by the respective governing boards of the CCC district and the school district or governing body of the charter school. Requires the governing boards or body to:
 - a) 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,
 - b) 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 or governing body of the charter school.
- 5) Requires the California Community Colleges Chancellors Office (CCCCO) to report to the DOF 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, 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, 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 76001 and 76002)
- 6) Requires the Chancellor, on or before 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. Requires the report to be transmitted to the Legislature, the DOF,

and the SPI. Requires the Chancellor to annually collect specified data from the CCC and school districts participating in a CCAP partnership. Requires the data to include:

- a) The total number of high school pupils by school site enrolled in each CCAP partnership, disaggregated by gender and ethnicity;
 - b) The total number of CCC courses taken by CCAP partnership participants disaggregated by category, type, and school site;
 - c) The total number and percentage of courses successfully completed by CCAP partnership participants disaggregated by course category, type, and school site;
 - d) The total number of FTEs generated by the CCAP partnership community college district participants; and,
 - e) The total number of FTE students served online by the CCAP partnership college district participants. (EC 76004)
- 7) Establishes Middle College High Schools (MCHS). Requires each MCHS to be structured as a broad-based, comprehensive instructional program focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. Authorizes the specific design of a MCHS to vary depending on the circumstances of the community college or school district. Requires the basic elements of the MCHS to include, but not be limited to, the following:
- a) A curriculum that focuses on college and career preparation;
 - b) A reduced adult-student ratio;
 - c) Flexible scheduling to allow for work internships, community service experience, and
 - d) Opportunities for experiential internships, work apprenticeships, and community service. (EC 11300)
- 8) States that Early College High Schools (ECHS) are small, autonomous schools that blend high school and college into a coherent educational program. In ECHS, pupils begin taking college courses as soon as they demonstrate readiness and the college credit earned may be applied toward completing an associate or bachelor's degree, transferring to a four-year university, or obtaining a skills certificate. (EC 11302)
- 9) Establishes the Golden State Pathways Program, a competitive grant program to:
- a) Promote pathways in high-wage, high-skill, high-growth areas that allow students to advance seamlessly from high school to college and career and, provide the workforce needed for economic growth;
 - b) Encourage collaboration between LEAs, institutions of higher education, local and regional employers, and other relevant community interest holders to develop, or expand the availability of, innovative college and career pathways that simultaneously align with an LEA's local or regional labor market needs;

- c) Enable more students to access postsecondary education opportunities and workforce training opportunities, or to obtain gainful employment in an industry that simultaneously aligns with local, regional, or state labor market needs; and
 - d) Support the continued development of a skilled and educated workforce, with an emphasis on addressing areas of acute statewide need. (EC 53020-53025)
- 10) Requires the CDE, in consultation with the office of the Chancellor, to, beginning on or before January 1, 2023, administer a competitive grant program to do all of the following:
- a) Enable more LEAs to establish either middle college or early college high schools that provide pupils with access to obtain college credits while enrolled in high school;
 - b) Provide incentives for LEAs to establish dual enrollment course opportunities, as specified; and
 - c) Enable LEAs with existing MCHS or ECHS or CCAP partnerships to couple robust pupil advising and success supports with dual enrollment opportunities and establish outreach campaigns to promote dual enrollment for new or existing middle college or early college high schools or CCAP partnerships. Requires, for LEAs with CCAP partnerships, outreach to be focused toward families and pupils who may not be college bound or who are underrepresented in higher education. (EC 41585)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to 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.”

This bill seeks to clarify common misconceptions regarding elements of CCAP partnership agreements related to 1) the purpose of the partnerships, 2) where CCAP courses may be located, and 3) student fees. In order to address these concerns, the bill proposes the following changes:

- *The purpose of CCAP.* The purpose of CCAPs is to offer or expand dual enrollment opportunities to students who may not already be college bound or who are underrepresented in higher education. This bill provides a definition for the currently undefined term “underrepresented in higher education” to mean members of groups that have historically comprised a minority of the population of the United States, 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.
- *Location of CCAP courses.* This bill authorizes CCAP courses to be offered either at the community college campus or the participating high school campus.

- *Fees.* This bill states that the governing board of a community college district participating in a CCAP partnership agreement are required to exempt students seeking to enroll in a community college course required for the pupil's CCAP partnership program from the CCC fee requirements.

Dual Enrollment. According to the United States Department of Education's Institute of Education Sciences Transition to College, What Works Clearinghouse Report of February 2017, dual enrollment programs allow high school pupils to take college courses and earn college credits while still attending high school. Historically, dual enrollment targeted higher-achieving students through Advanced Placement exams or attending community college to take advanced courses after the student had exhausted courses offered at their high school campus. However, within the last decade, policymakers and educators have utilized dual enrollment as a strategy to help more students earn college credit and ease the transition to college.

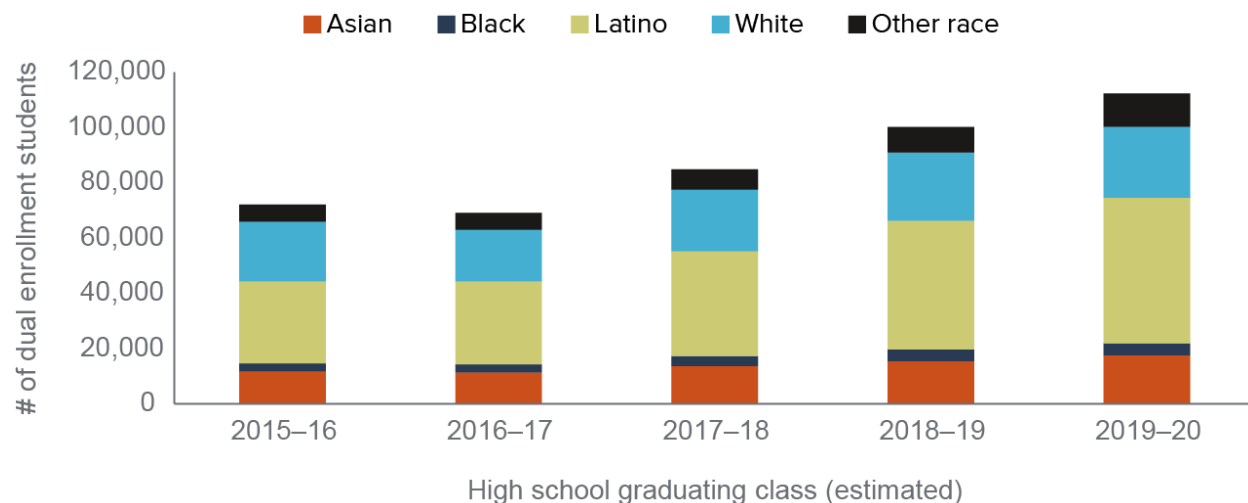
Such programs, also referred to as concurrent enrollment, dual credit, or early college programs, are designed to increase college access and degree attainment, especially for students typically underrepresented in higher education. According to the report, dual enrollment programs support college credit accumulation and degree attainment via at least three mechanisms:

- 1) Allowing high school students to experience college-level courses helps them prepare for the social and academic requirements of college while having the additional supports available to them as high school pupils (this could reduce the need for developmental coursework).
- 2) Students who accumulate college credits early and consistently are more likely to attain a college degree.
- 3) Many dual enrollment programs offer discounted or free tuition, which reduces the overall cost of college and may increase the number of low socioeconomic status students who can attend and complete college.

In August 2019, the National Center for Education Statistics published findings from the *High School Longitudinal Study of 2009*. The data collected represented a cohort national study of the course taking behavior of high school students from 2009 to 2013. The study found that 89% of high schools in the nation offer dual enrollment programs, but only 11% of students participated in dual enrollment programs. Recent research from the UC Davis Wheelhouse in collaboration with the California Education Lab and Policy Analysis for California Education, found California has not only exceeded the national average of dual enrolment participation, but has increased dual enrollment participation from 11.3% in 2015-2016 to 18.2% in 2018-19.

According to a 2021 policy brief from The Public Policy Institute of California, *Dual Enrollment in California*, more than 112,000 California high school students graduating in the 2019–20 school year participated in dual enrollment—an increase of 56% from 2015–16. The growth is attributed in part to the authorization of CCAPs in 2016 and higher Latino student participation. After high school, students who participated in dual enrollment enroll at two- and four-year colleges at higher rates compared to all high school graduates.

Table 1: Participation in Dual Enrollment at Community Colleges has Been Growing



Source: PPIC

In California, high school students or their parents can petition their school board for permission to attend college courses on a college campus for dual credit via traditional dual enrollment or a CCAP partnership agreement. Figure 1 highlights the major difference between these two types of dual enrollment.

Figure 1: Two Major Types of Dual Enrollment in California

	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: Legislative Analyst’s Office

College and Career Access Pathways (CCAP) partnerships. In an effort to expand the availability of dual enrollment programs to more students, AB 288 (Holden), Chapter 618, Statutes of 2015, created another category of special admit options, the CCAP. In order to establish a CCAP partnership, the governing board of a CCC district and the governing board of a school district (or governing body of a charter school) enter into a formal agreement. The intent of this new pathway is to serve lower achieving students in an effort to reduce remediation, increase degree completion, decrease time to earn a degree, and stimulate interest in higher education among high school students who may not already be college bound or who are underrepresented in higher education. The program was structured to authorize a model more like the Long Beach Promise, which offers dual enrollment as a pathway, rather than a series of disconnected individual courses, and to provide greater flexibility in the delivery of courses at the high school campus.

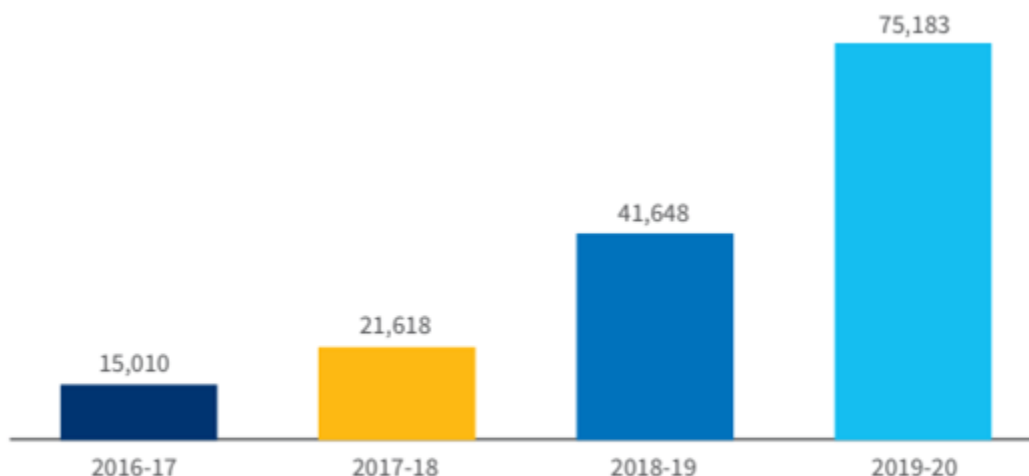
The CCAP partnership authorization provides two incentives to form partnerships:

- 1) Colleges may receive apportionment for providing courses on a high school campus specifically for high school students and otherwise closed to the public.
- 2) Students may take up to 15 units per semester. In non-CCAP dual enrollment, the maximum remains 11 units per semester.

In exchange for the greater flexibility, CCAP partners must meet a variety of requirements relative to instructors, job displacement, preserving access for adult students, and allowances and apportionments. While CCC districts may operate a dual enrollment partnership through an early college high school or middle college high school, they are prohibited from operating as a CCAP partnership unless they comply with the established provisions. Currently, there are 83 CCAP partnerships throughout the state.

CCAP Legislative Report. In 2021, the CCCCO released the legislative report required by AB 30 (Holden), Chapter 510, Statutes of 2019. Dual enrollment is growing overall and in terms of student participation; however, the number of community colleges participating in CCAP remains limited. The CCCCO estimates that 37.5% of students participating in dual enrollment as special admits were in CCAP partnerships.

Table 2: CCAP Dual Enrollment



Source: CCAP Annual Reports

Source: CCCCCO College and Career Access Pathways Legislative Report

The report includes several recommendations, including eliminating the sunset date for CCAP partnerships, as this bill proposes. The CCCCCO believes that eliminating the sunset date will allow CCAP partnerships to continue and mature, as well as remove any worry that new partnerships will have to start from scratch in a few years.

Other dual enrollment programs. There are two additional dual enrollment programs available to high school students including, a MCHS, and an ECHS.

A MCHS is a public high school located on a community college campus and represents a highly effective collaborative effort between local school districts and community colleges to provide an alternative learning environment to select at-risk high school students who are performing below their academic potential. Students enroll in a MCHS for 11th and 12th grades and graduate with a high school diploma and up to 44 units worth of college credits. Currently there are 14 MCHS operating throughout the state.

Similar to a MCHS, an ECHS allows students to earn college credit while enrolled in high school; however, an ECHS is a partnership between a charter or non-charter public high school and a local community college, the California State University (CSU), or the University of California which enables students to earn a high school diploma and two years of college credit in four years or less. Students enrolled in an ECHS are limited to enrolling in up to 11 college course units per semester. According to the CDE there are 20 ECHS located throughout the state.

Outcomes for students participating in dual enrollment programs. According to a 2017 U.S. Department of Education Institute of Education Sciences review of analyses of dual enrollment programs, *What Works Clearinghouse Intervention Report: Dual Enrollment Programs*, dual enrollment programs have positive and significant effects on students' college degree attainment, college access and enrollment, credit accumulation, completing high school, and general academic achievement in high school, with a medium to large extent of evidence.

A 2013 Educational Evaluation and Policy Analysis research article, *The Impact of Dual Enrollment on College Degree Attainment: Do Low-SES Students Benefit?*, used a nationally representative sample of students who began postsecondary education in 2003, and found that students who took dual enrollment courses were 10% more likely to complete a Bachelor's degree than their peers who did not participate in dual enrollment. The benefits were even greater (12%) for students whose parents never attended college.

According to a 2021 Public Policy Institute report, *Dual Enrollment in California: Promoting Equitable Student Access and Success*, there are racial disparities in access to dual enrollment classes in California. Although there is an increasing number of students of all races participating in dual enrollment, the demographics of dual enrollment are not proportional to overall high school enrollments. Latino students account for 55% of high school enrollment in California but only 45% of students in dual enrollment are Latino. Black students are also underrepresented, while white and Asian students are overrepresented. Student academic outcomes are also disparate. Black and Latino students have a grade point average of 2.9, while white and Asian students have grade point averages of 3.2 and 3.4, respectively. On average, Black and Latino students also earn fewer units than their white and Asian peers.

The Budget Act of 2023 provided funding to support dual enrollment. The Budget Act of 2023 (Chapter 52, Statutes of 2022) included two proposals to support dual enrollment. The Golden State Pathways Program is a new competitive grant program intended to improve college and career readiness. Grantees will be required, as it relates to dual enrollment, to provide high school students a program that includes the opportunity to earn at least 12 college credits; provide articulated pathways from high school to postsecondary education and training that are aligned with regional workforce needs, and collaborate with other entities—such as institutions of higher education and employers—to increase the availability of college and career pathways that address regional workforce needs. Of the \$500 million allocated for the program, at least \$425 million is to be used for implementation grants to support grantees to collaborate with their program partners, up to \$50 million is for regional consortium development and planning grants (for grantees to collaboratively plan with their program partners), and up to \$25 million can be used for CDE to contract with up to ten LEAs to provide technical assistance to grantees.

The 2023 Budget Act also included \$200 million for the Dual Enrollment Funding Opportunity Program, a competitive grant program aimed at increasing programs that provide high school students with access to college level courses. Of this amount, \$100 million is available for LEAs to apply for one-time grants of up to \$250,000 for planning and starting up middle and early college high schools on K-12 school sites. The remaining \$100 million is available for one-time grants of up to \$100,000 to establish CCAP agreements that allow students to take some community college courses at their high school. Priority will be given to LEAs with at least half of their student population consisting of English learner students, as well as those that have higher than the state average rates of high school dropouts, suspensions or expulsions, child homelessness, foster youth, or justice-involved youth.

Recommended Committee Amendments. *Staff recommends that the bill be amended* as follows:

- Remove “undocumented students” from the definition of “underrepresented in higher education” due to the guidance from the CDE that LEAs may not inquire about or require documents pertaining to or disclosing immigration status. According to the CDE, the

1984 Supreme Court decision Plyler v. Doe requires schools to enroll all eligible children regardless of their citizenship or immigration status.

- Remove “at risk of being homeless” from the definition of “underrepresented in higher education” due to the lack of a local or statewide measure for this data set.
- Add as uncodified intent language, “It is the intent of the Legislature to increase the participation in dual enrollment for students who are underrepresented in higher education. According to the California 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.”

Arguments in support. According to the uAspire, “There are several efforts that need to be taken to ensure that dual enrollment programs are accessible and equity-driven, and there are rising concerns that BIPOC students are being left out of these programs and opportunities across California. In fact, a recent report by the Education Trust-West has found that California’s community colleges are not equitably serving Black, Native, and Latinx students through dual enrollment. Eliminating outdated barriers and streamlining access to dual enrollment is an important first step towards improving access. The changes suggested through AB 368, while technical in nature, will ensure that CCAP students have the opportunity to pursue courses both at their high school or at their local community college seamlessly.”

Related legislation. AB 359 (Holden) of the 2023-24 Session would require the CDE to enter into a contract with the governing board of a school district, COE, or consortium of COEs, and would require the CCCCO to enter into a contract with the governing board of a community college district, for purposes of providing technical support and services for CCAP partnerships. The bill also would require the contracted entities to annually submit a Legislative report that includes, among other requirements, the support and services provided for CCAP partnerships pursuant to these provisions.

AB 2617 (Holden) of the 2021-22 Session would have established a grant program administered by the CDE for the purpose of increasing participation in dual enrollment programs at designated LEAs. This bill was held in the Senate Appropriations Committee.

AB 102 (Holden), Chapter 902, Statutes of 2022, authorizes COEs to enter into CCAP partnerships with the governing board of CCC districts, and removes the sunset date for the CCAP partnerships.

AB 181 (Committee on Budget), Chapter 52, Statutes of 2022, the Budget Act of 2023 included funding for two programs to support dual enrollment: \$500 million for the Golden State Pathways Program, and \$200 million for the Dual Enrollment Funding Opportunity Program, a competitive grant program aimed at increasing programs that provide high school students with access to college level courses.

AB 103 (Holden) of the 2021-22 Session would have required the CDE and the CCCCO, in consultation with experts in the field of CCAP partnerships, to identify best practices for CCAP partnerships and appropriate financial incentives for school districts and community college districts to participate in CCAP partnerships, and to distribute the best practices to school districts and community college districts on or before September 1, 2023. The bill would have

also required, on or before September 1, 2023, the CDE and the CCCCO, in consultation with experts in the field of CCAP partnerships and other key stakeholders, to develop a statewide pupil- and parent-centered communication and marketing strategy that includes specified outreach and information, in order to increase the visibility of the CCAP partnerships for all secondary pupils in California. This bill was held in the Assembly Higher Education Committee.

AB 30 (Holden), Chapter 510, Statutes of 2019, streamlines the process for developing CCAPs, in part, by: changing the conditions of how CCAP partnership agreements may be adopted, authorizing high school pupils to complete only one community college application for the duration of their attendance, as specified, and, extending the sunset of the CCAP partnership from January 1, 2022, to January 1, 2027.

SB 586 (Roth), Chapter 529, Statutes of 2019, requires the governing board of a school and CCC district, as part of a career technical education CCAP partnership, to consult with the appropriate local workforce development board to determine the extent to which the pathway is aligned with regional and statewide employment needs.

AB 2019 (Holden) of the 2019-20 Session would have expanded participation in CCAP partnerships to county offices of education. This bill was held in the Senate Appropriations Committee.

AB 1729 (Smith), Chapter 784, Statutes of 2019, exempts additional high school students from counting toward the 5% enrollment cap imposed on summer community college courses and requires students to meet and enroll in courses that meet specified conditions.

AB 1809 (Committee on Budget), Chapter 33, Statutes of 2018, authorizes charter schools to enter into a CCAP with the governing board of a CCC district.

AB 2891 (Holden) of 2017-18 Session would have authorized the governing body of a charter school to enter into a CCAP partnership with the governing board of a CCC district which allows high school students to concurrently enroll in community college courses. This bill was held in the Assembly Appropriations Committee.

AB 2364 (Holden), Chapter 299, Statutes of 2016, requires a community college district to exempt all special part-time students, as specified, from nonresident fees and allows these students to be reported as resident FTES to receive associated state apportionments.

AB 288 (Holden), Chapter 618, Statutes of 2015, authorizes the governing board of a CCC district to enter into a CCAP partnership with the governing board of a school district in its immediate service area, with the goal of developing seamless pathways from high school to CCC in order to offer or expand dual enrollment opportunities for students who may not be college bound or who are underrepresented in higher education; and, outlines the conditions that must be met prior to the adoption of the CCAP agreement. Requires, on or before January 1, 2021, the CCC Chancellor to report to the Legislature, an evaluation of the CCAP partnerships, an assessment of trends in the growth of special admits system-wide and by campus, and, based upon the data collected recommendations for program improvements.

AB 1451 (Holden) of the 2013-14 Session was similar in nature to AB 288 of the 2015-16 Session. This bill was held in the Senate Appropriations Committee.

AB 1540 (Hagman) of the 2013-14 Session would have specified that the governing board of a school district may authorize a pupil, at the recommendation of the community college dean of a computer science department or other 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 student and to undertake one or more computer science courses offered at the community college. This bill was held in the Assembly Appropriations Committee.

AB 2352 (Chesbro) of the 2013-14 Session would have removed ECHS and MCHS students concurrently enrolled at a CCC from receiving low priority admission status. This bill was held in the Senate Appropriations Committee.

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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