

Assembly Bill No. 927

CHAPTER 565

An act to amend Sections 78040, 78041, and 78042 of, to amend the heading of Article 3 (commencing with Section 78040) of Chapter 1 of Part 48 of Division 7 of Title 3 of, and to repeal and add Section 78043 of, the Education Code, relating to public postsecondary education.

[Approved by Governor October 6, 2021. Filed with Secretary of State October 6, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 927, Medina. Public postsecondary education: community colleges: statewide baccalaureate degree program.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires the board of governors to appoint a chief executive officer, to be known as the Chancellor of the California Community Colleges. Existing law, until July 1, 2026, authorizes the board of governors, in consultation with the California State University and the University of California, to establish a statewide baccalaureate degree pilot program. Existing law requires that program to consist of a maximum of 15 community college districts, with one baccalaureate degree pilot program each. Existing law requires those pilot programs to commence no later than the 2017–18 academic year, and requires students participating in those programs to commence the program by the beginning of the 2022–23 academic year. Existing law requires the governing board of a community college district seeking authorization to offer a pilot program to submit certain items for review by the chancellor and approval by the board of governors, including documentation of unmet workforce needs specifically related to the proposed pilot program.

This bill would extend the operation of the statewide baccalaureate degree pilot program indefinitely. The bill would remove the requirements that the program consist of a maximum of 15 community college district programs and for a student to commence a program by the end of the 2022–23 academic year. The bill would require a community college district seeking approval to offer a baccalaureate degree program to provide evidence of unmet workforce needs to the Chancellor of the California Community Colleges, as provided. The bill would require, as part of the application and review process, the chancellor to ensure that a community college district is provided with 2 timelines in which to apply for a baccalaureate degree program and receive notice of approval or rejection, as specified, that only 15 baccalaureate degree programs are approved during each application

period allowing for a total of 30 baccalaureate degree programs per academic year, that the total number of baccalaureate degree programs offered by a community college district does not exceed 25% of the total number of associate degree programs offered by the community college district, as specified, and that a minimum of 30 working days is taken to validate the submitted information and assess the workforce value of the proposed baccalaureate degree program, as specified. The bill would require the chancellor to consult with and seek feedback from the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent California Colleges and Universities on proposed baccalaureate degree programs, as specified. The bill would require a community college district to continue to offer an associate degree program in the same academic subject for which a baccalaureate degree program has been approved, unless the community college district has received approval from the chancellor to eliminate the associate degree program, as specified.

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 3 (commencing with Section 78040) of Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code is amended to read:

Article 3. Baccalaureate Degree Program

SEC. 2. Section 78040 of the Education Code is amended to read:

78040. For purposes of this article, “district” means any community college district identified by the Chancellor of the California Community Colleges as participating in the statewide baccalaureate degree program.

SEC. 3. Section 78041 of the Education Code is amended to read:

78041. Notwithstanding Section 66010.4, and commencing January 1, 2015, the Board of Governors of the California Community Colleges, in consultation with the California State University and the University of California, may authorize the establishment of district baccalaureate degree programs that meet all of the eligibility requirements set forth in Section 78042.

SEC. 4. Section 78042 of the Education Code is amended to read:

78042. (a) A district shall seek approval to offer baccalaureate degree programs through the appropriate accreditation body.

(b) When seeking approval from the Board of Governors of the California Community Colleges, a district shall maintain the primary mission of the California Community Colleges specified in paragraph (3) of subdivision (a) of Section 66010.4. The district, as part of the baccalaureate degree program, shall have the additional mission to provide high-quality undergraduate education at an affordable price for students and the state.

(c) As a condition of eligibility for consideration to participate in the statewide baccalaureate degree program, a district shall have a written policy that requires all potential students who wish to apply for a Board of Governors Fee Waiver pursuant to Section 76300 to complete and submit either a Free Application for Federal Student Aid or a California Dream Act application in lieu of completing the Board of Governors Fee Waiver application.

(d) A district's baccalaureate degree program shall be subject to the following limitations:

(1) A district shall identify and document unmet workforce needs in the subject area of the baccalaureate degree to be offered and offer a baccalaureate degree at a campus in a subject area with unmet workforce needs in the local community or region of the district.

(2) A baccalaureate degree program shall not offer a baccalaureate degree program or program curricula already offered by the California State University or the University of California.

(3) A district shall have the expertise, resources, and student interest to offer a quality baccalaureate degree in the chosen field of study.

(e) A district shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate degree program. A student shall be reported as a community college student for enrollment in a lower division course and as a baccalaureate degree program student for enrollment in an upper division course.

(f) A governing board of a district seeking authorization to offer a baccalaureate degree program shall submit all of the following for review by the Chancellor of the California Community Colleges and approval by the Board of Governors of the California Community Colleges:

(1) Documentation of the district's written policy required by subdivision (c).

(2) The administrative plan for the baccalaureate degree program, including, but not limited to, the governing board of the district's funding plan for its specific district.

(3) A description of the baccalaureate degree program's curriculum, faculty, and facilities.

(4) The enrollment projections for the baccalaureate degree program.

(5) Documentation regarding unmet workforce needs specifically related to the proposed baccalaureate degree program, and a written statement supporting the necessity of a four-year degree for that program. The documentation regarding unmet workforce needs shall include all of the following:

(A) Evidence that the district consulted with regional employers and regional workforce development boards.

(B) Statewide and regional workforce data relevant to the proposed baccalaureate degree program.

(C) Evidence that the baccalaureate degree to be offered will help address unmet workforce needs. The evidence may include, but is not limited to, information showing the following:

(i) Employers are having difficulty filling positions that require a baccalaureate degree.

(ii) Employers are willing to pay baccalaureate degree holders more than those with a related associate degree or no postsecondary degree.

(iii) Employers have a preference for candidates with the proposed baccalaureate degree.

(6) Documentation of consultation with the California State University and the University of California regarding collaborative approaches to meeting regional workforce needs.

(g) (1) The Board of Governors of the California Community Colleges shall develop, and adopt by regulation, a funding model for the support of the statewide baccalaureate degree program that is based on a calculation of the number of full-time equivalent students enrolled in all district baccalaureate degree programs.

(2) Funding for each full-time equivalent student shall be at a marginal cost calculation, as determined by the Board of Governors of the California Community Colleges, that shall not exceed the community college credit instruction marginal cost calculation for a full-time equivalent student, as determined pursuant to paragraph (2) of subdivision (d) of Section 84750.5.

(3) A student in a baccalaureate degree program authorized by this article shall not be charged fees higher than the mandatory systemwide fees charged for baccalaureate degree programs at the California State University.

(4) Fees for coursework in a baccalaureate degree program shall be consistent with Article 1 (commencing with Section 76300) of Chapter 2 of Part 47.

(5) A district shall, in addition to the fees charged pursuant to paragraph (4), charge a fee for upper division coursework in a baccalaureate degree program of eighty-four dollars (\$84) per unit.

(h) The Chancellor of the California Community Colleges shall ensure all of the following for the application and review process for community college districts to participate in the baccalaureate degree program:

(1) A community college district is provided with two timelines in which to apply for a baccalaureate degree program per year. A community college district may submit an application to the Chancellor of the California Community Colleges by no later than January 15 and shall receive notice of approval or rejection on or before May 31. A community college district may submit an application to the Chancellor of the California Community Colleges by no later than August 15 and shall receive notice of approval or rejection on or before December 31.

(2) Only 15 baccalaureate degree programs are approved during each application period, allowing for a total of 30 approved baccalaureate degree programs per academic year.

(3) The total number of baccalaureate degree programs offered by a community college district, at any time, does not exceed 25 percent of the

total number of associate degree programs offered by the community college district, including associate degrees for transfer.

(4) The review process takes no less than 30 days from the receipt of a completed application to validate the information submitted and assess the workforce value of the proposed program by the Chancellor of the California Community Colleges.

(i) (1) The Chancellor of the California Community Colleges shall consult with and seek feedback from the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent California Colleges and Universities about proposed baccalaureate degree programs.

(2) The Chancellor of the California Community Colleges shall notify and send relevant materials to the California State University, the University of California, and the President of the Association of Independent California Colleges and Universities who may notify institutions with physical campuses in the service area of the community college district seeking the proposed baccalaureate degree program.

(3) The California State University and the University of California may assess whether proposed baccalaureate degree programs are duplicative of existing baccalaureate programs offered by state universities, and may submit written comments to the Chancellor of the California Community Colleges regarding proposed baccalaureate degree programs. If the California State University or the University of California believes there is program duplication, written objections with supporting evidence shall be submitted to the Chancellor of the California Community Colleges within 30 working days of receipt of the proposal. Upon receipt of written objections, the Chancellor of the California Community Colleges shall have 30 working days to convene with the applicant and the segment or segments that raised an objection to collaborate and establish a written agreement before the program is approved.

(4) A formal objection filed by either the California State University or the University of California pursuant to paragraph (3) shall address, at a minimum, each of the following issues in order to facilitate the consultation process:

(A) The name and description of the baccalaureate degree program currently offered by the objecting segment that may be duplicated by the proposed baccalaureate degree program, including the campuses that offer the program.

(B) The specific components of the proposed baccalaureate degree program deemed as duplicative.

(5) The written agreement established between the objecting segment and the Chancellor of the California Community Colleges shall address, at a minimum, whether each of the elements of the original objection addressed in paragraph (4) have been resolved.

(j) (1) A community college district shall continue to offer an associate degree program in the same academic subject for which a baccalaureate degree program has been approved, unless that community college district

has received approval from the Chancellor of the California Community Colleges to eliminate the associate degree program.

(2) When conducting a review to approve the elimination of an associate degree program, the Chancellor of the California Community Colleges shall evaluate both of the following:

(A) Changes to the labor market viability of the associate degree.

(B) Changes to the minimum education required to maintain program accreditation.

SEC. 5. Section 78043 of the Education Code is repealed.

SEC. 6. Section 78043 is added to the Education Code, to read:

78043. Baccalaureate degree programs approved by the Board of Governors of the California Community Colleges pursuant to this article before January 1, 2022, may continue to operate.