



**Academic Senate
for California Community Colleges**

LEADERSHIP. EMPOWERMENT. VOICE.

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August 5, 2019

Honorable Anthony Rendon

Speaker of the Assembly

State Capitol, Room 219

Sacramento, CA. 95814

Honorable Toni Atkins

Senate President Pro Tempore

State Capitol, Room 205

Sacramento, CA. 95814

Honorable Connie Leyva, Chair

Senate Education Committee

State Capitol, Room 2083

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Honorable Jose Medina, Chair

Assembly Higher Education Committee

1020 N Street, Room 173

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Honorable Holly Mitchell, Chair

Senate Budget Committee

State Capitol, Room 5019

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Honorable Phil Ting, Chair

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State Capitol, Room 6026

Sacramento, CA 95814

RE: The Fully-Online Community College

The Academic Senate for California Community Colleges (ASCCC) sends this message to request clarification and direction from the legislature regarding the legislative intent for the fully-online community college created in the 2018 budget act. Two specific and conflicting issues, accreditation requirements and duplication of programs, have led to confusion and thus have inhibited the ability of the ASCCC to assist with the development and advancement of the online college.

In 2018, the legislature approved the creation of a fully-online community college, subsequently named Calbright, and a 73rd community college district. While the ASCCC expressed serious reservations regarding this endeavor as it was proposed and debated, our duty changed once the legislation was signed into law. As the voice of faculty in curricular and governance matters, as is established in statute and regulation, the ASCCC has endeavored to support the online college and has asserted that, until such a time as a sufficient group of tenured faculty at Calbright College may organize themselves into a local academic senate, we will serve as the faculty voice required for consultation regarding academic and professional matters. To fulfill this role, we have appointed faculty to assist in the creation of policies related to academic matters for the district, guide the establishment of curricular review processes and curricular activities, and serve as a voice in hiring committees for management positions. However, although we have endeavored in all good conscience to provide a positive and beneficial faculty voice in the development of the online college, we have reached a point at which we have difficulty contributing appropriate advice to the new district because two parts of relevant regulation and statute seem to conflict.

Accreditation

The first issue is the need for accreditation status. The 2018 budget act states that Calbright College must be accredited. If the intent of the college were to only serve as a contract education unit at the state level, then accreditation would not be required; however, since the college's function is to serve a variety of potential students who may desire credit or transcriptable certification, accreditation is necessary.

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The Fully-Online Community College

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Existing regulation under Title 5 §51016 states,

Each community college within a district shall be an accredited institution. Accreditation shall be determined only by an accrediting agency recommended by the Chancellor and approved by the Board of Governors. The Board shall approve only an accreditor recognized and approved by the U.S. Secretary of Education under the Higher Education Act of 1965 acting within the agency's scope of recognition by the Secretary.

This regulation simply requires that the accrediting agency be recommended by the chancellor and approved by the Board of Governors; regional accreditation is not a requirement. However, the California State University requires regional accreditation, and Title 2 §44225 indicates that regional accreditation is required for acceptance of units and degrees for teacher credentialing purposes by the California Department of Education. Thus, if Calbright College is to offer courses that may transfer to California's other public higher education institutions, one might reasonably assume that the legislature intended that Calbright College achieve regional accreditation. The leadership of Calbright College has determined that regional accreditation is desired, and decisions by the Board of Governors to this point have not pursued any alternative direction.

The regional accreditor for California community colleges is the Accrediting Commission for Community and Junior Colleges, or ACCJC. For a college to be regionally accredited, the ACCJC standards state that the college must offer at least one associate degree with appropriate general education and area of study, and Standard II.A.13 states, "All degree programs include focused study in at least one area of inquiry or in an established interdisciplinary core." This requirement is an aspect of the confusion regarding the direction of Calbright College: the online college was specifically mandated not to duplicate programs that already exist in the California community colleges, yet to this date Calbright College has not identified any potential degree program that is not offered at another community college in the state.

Duplication

The language in the 2018 budget act forbade Calbright College from duplicating the efforts of the existing 72 districts. However, a clear definition of duplication is needed to guide the new college regarding compliance with this directive, and the absence of such a definition has created confusion. The first three fields of study identified for inclusion in the Calbright College curriculum—medical coding, business information technology, and cybersecurity—all currently exist in districts across the state as both physical and fully online programs. The leadership of Calbright College argues that courses offered through the new college are designed to be competency-based by the nature of their instruction and thus do not duplicate existing programs. However, the curriculum, delivery, and outcomes of the programs would certainly be duplicative of programs at other colleges, making them different at most in the aspects of their grading and scheduling methods. Moreover, noncredit instruction throughout the community college system is typically competency-based such that when the student achieves the outcome or demonstrates competency, often at his or her own pace, he or she has completed the course. The creation and offering of these programs by Calbright College thus clearly appears to be a duplication of the other colleges in the system in terms of both curriculum and instructional approach.

This duplication of programs by Calbright College in itself seems contradictory to the mandates of the 2018 budget act that established the online college, but the additional requirement of accreditation creates a conflicting direction that we are unable to resolve without clarification of intent by the legislature. In order to achieve regional accreditation, at the July 2019 Calbright College Board of Trustees meeting, Calbright College leadership announced that the new college intends to develop and offer a general

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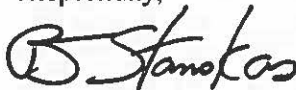
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studies associate degree. While such a degree does not exist currently in the system, the reason that general studies degrees do not exist is that Title 5 §55063 was amended in 2009 to clarify that a degree requires both a specific area of focus—an area of emphasis or a major—and general education; under Title 5, a degree cannot consist solely of general education. Any degree offered in the California Community Colleges must have a specific area of focus that serves a transfer need or a verifiable industry need. Therefore, after 2009, colleges were required to delete general studies degrees as inappropriate to meet student needs. The new degree proposed by Calbright College for the purposes of achieving accredited status would therefore be a violation of Title 5 and would allow Calbright College to operate under different standards and regulations from those to which the 114 existing colleges are held.

To complicate this issue further, while Calbright has labeled its planned degree program as an associates of general studies, the degree requirements published in the Calbright College report to the governor and the legislature, released on August 1, 2019, include “The required courses for a Specific Calbright Pathway—20 units (Medical Coding, Information Technology, Information Security—includes 4 units for apprenticeship).” Thus, while a general studies degree would be a violation of the Title 5 regulations that all other California community colleges must follow, the Calbright report appears to indicate that the degree will in truth be a mislabeled but direct duplication degrees that exist within the California Community Colleges system, therefore violating the legislative prohibition of duplicating existing college programs.

Given the conflicting mandates of accreditation status and lack of duplication, as well as the lack of a clear definition of duplication and the apparent plan for Calbright College to either operate outside of the regulations established in Title 5 for all community colleges or to simply rename and duplicate existing programs, the ASCCC’s efforts to advise the new district and to move the online college forward in a positive manner have been frustrated. We have recommended that the Calbright College Board of Trustees seek clarification from the legislature, and we have advised that board that the ASCCC would also seek clarification from the legislature as we fulfill our role. The ASCCC remains committed to performing our role in serving both the students of our system and the state of California, and therefore we request the assistance of the legislature in clarifying the intent and direction for the online college. We are happy to provide further information or ideas if we may be of service.

Respectfully,



John Stanskas, President

Cc:

Lande Ajose, Senior Advisor to Governor Newsom
Edgar Cabral, Legislative Analyst’s Office
President Tom Epstein, Calbright Board of Trustees, Board of Governors
Chris Ferguson, Department of Finance
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Paul Steenhausen, Legislative Analyst's Office
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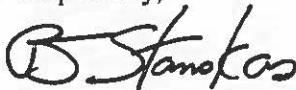
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August 6, 2019

Thomas Epstein

President, California Community Colleges
Board of Governors &
President, CalBright Community College
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1102 Q St, 6th Floor
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Pamela Haynes

Vice-President, California Community Colleges
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1102 Q St, 6th Floor
Sacramento, Ca 95811

Re: **California Federation of Teachers and Academic Senate Correspondence**

Dear President Epstein & Vice-President Haynes:

Recent correspondence addressed to the Board of Trustees by the California Federation of Teachers ("CFT") renews CFT's objections to the Legislature's establishment of CalBright Community College, and alleges that CalBright's initial programs are improperly "duplicative" of existing community college programs. In addition, the Academic Senate for California Community Colleges wrote to legislative leaders on August 5, 2019, to request "clarification and direction" related to the duplication in, and accreditation of, CalBright programs.

While it would not be productive to revisit the Legislature's decision to establish CalBright Community College, both letters appear to raise questions of interpretation that fall within the regulatory authority of the California Community Colleges Board of Governors. Accordingly, I have directed Chancellor's Office staff to consider the issues raised by CFT and the Academic Senate, and to recommend to the Board of Governors whether it should exercise its regulatory authority over these issues and, if so, how. My intention is to have the Board of Governors consider this recommendation at its November meeting.

Thank you for your attention.

Yours sincerely,

Eloy Ortiz Oakley
Chancellor

Cc. Honorable Gavin Newsom, Governor of California
Speaker Anthony Rendon
Senate President Pro Tempore Toni Atkins
Assembly Member Jose Medina

Assembly Member Phil Ting

Senator Connie Leyva

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