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An act to amend Sections 70900, 70901, and 72506 of, and to add Part 46.5 (commencing with Section 75000) to Division 7 of Title 3 of, the Education Code, relating to community colleges.



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

SECTION 1. Section 70900 of the Education Code is amended to read:  
70900. There is hereby created the California Community Colleges, a postsecondary education system consisting of community college districts heretofore and hereafter established pursuant to law and the Board of Governors of the California Community Colleges. The board of governors shall carry out the functions specified in ~~Section 70901 and 70901~~, local districts shall carry out the functions specified in ~~Section 70902. 70902~~, and the California Online Community College shall carry out the functions specified in Section 75003.

SEC. 2. Section 70901 of the Education Code is amended to read:

70901. (a) The Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. The work of the board of governors shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the California Community Colleges.

(b) Subject to, and in furtherance of, subdivision (a), and in consultation with community college districts and other interested parties as specified in subdivision (e), the board of governors shall provide general supervision over community college districts, and shall, in furtherance of those purposes, perform the following functions:

(1) Establish minimum standards as required by law, including, but not limited to, the following:

(A) Minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

(B) Minimum standards for the employment of academic and administrative staff in community colleges.

(C) Minimum standards for the formation of community colleges and districts.

(D) Minimum standards for credit and noncredit classes.

(E) Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(2) Evaluate and issue annual reports on the fiscal and educational effectiveness of community college districts according to outcome measures cooperatively developed with those districts, and provide assistance when districts encounter severe management difficulties.

(3) Conduct necessary systemwide research on community colleges, and provide appropriate information services, including, but not limited to, definitions for the purpose of uniform reporting, collection, compilation, and analysis of data for effective planning and coordination, and dissemination of information.

(4) (A) Provide representation, advocacy, and accountability for the California Community Colleges before state and national legislative and executive agencies.



(B) In order to wholly engage in the recognition review process of an accrediting agency pursuant to subdivision (c) of Section 72208, conduct a survey of the community colleges, including consultation with representatives of both faculty and classified personnel, to develop a report to be transmitted to the United States Department of Education and the National Advisory Committee on Institutional Quality and Integrity that reflects a systemwide evaluation of the regional accrediting agency based on the criteria used to determine an accreditor's status.

(5) (A) Administer state support programs, both operational and capital outlay, and those federally supported programs for which the board of governors has responsibility pursuant to state or federal law. In so doing, the board of governors shall do the following:

(i) (I) Annually prepare and adopt a proposed budget for the California Community Colleges. The proposed budget shall, at a minimum, identify the total revenue needs for serving educational needs within the mission, the amount to be expended for the state general apportionment, the amounts requested for various categorical programs established by law, the amounts requested for new programs and budget improvements, and the amount requested for systemwide administration.

(II) The proposed budget for the California Community Colleges shall be submitted to the Department of Finance in accordance with established timelines for development of the annual Budget Bill.

(ii) To the extent authorized by law, establish the method for determining and allocating the state general apportionment.

(iii) Establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes.

(B) The board of governors may enter into a direct contract with the Academic Senate for the California Community Colleges for the purpose of supporting statewide initiatives, projects, and programs within the purview of the Academic Senate for the California Community Colleges. If the board of governors elects to enter into a direct contract with the Academic Senate for the California Community Colleges, the contract shall specify the objectives and the expected outcomes of the contract.

(6) (A) Establish minimum conditions entitling districts to receive state aid for support of community colleges. In so doing, the board of governors shall establish and carry out a periodic review of each community college district to determine whether it has met the minimum conditions prescribed by the board of governors.

(B) In determining whether a community college district satisfies the minimum conditions established pursuant to this section, the board of governors shall review the regional accreditation status of the community colleges within that district.

(7) Coordinate and encourage interdistrict, regional, and statewide development of community college programs, facilities, and services.

(8) Facilitate articulation with other segments of higher education with secondary education.

(9) Review and approve comprehensive plans for each community college district. The plans shall be submitted to the board of governors by the governing board of each community college district.

(10) Review and approve all educational programs offered by community college districts and all courses that are not offered as part of an educational program approved by the board of governors.



(11) Exercise general supervision over the formation of new community college districts and the reorganization of existing community college districts, including the approval or disapproval of plans therefor.

(12) Notwithstanding any other provision of law, be solely responsible for establishing, maintaining, revising, and updating, as necessary, the uniform budgeting and accounting structures and procedures for the California Community Colleges.

(13) Establish policies regarding interdistrict attendance of students.

(14) Advise and assist governing boards of community college districts on the implementation and interpretation of state and federal laws affecting community colleges.

(15) Contract for the procurement of goods and services, as necessary.

(16) Carry out other functions as expressly provided by law.

(c) Subject to, and in furtherance of, subdivision (a), the board of governors shall have full authority to adopt rules and regulations necessary and proper to execute the functions specified in this section as well as other functions that the board of governors is expressly authorized by statute to regulate.

(d) Wherever in this section or any other statute a power is vested in the board of governors, the board of governors, by a majority vote, may adopt a rule delegating that power to the chancellor, or any officer, employee, or committee of the California Community Colleges, or community college district, as the board of governors may designate. However, the board of governors shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating power shall prescribe the limits of delegation.

(e) In performing the functions specified in this section, the board of governors shall establish and carry out a process for consultation with institutional representatives of community college districts so as to ensure their participation in the development and review of policy proposals. The consultation process shall also afford community college organizations, as well as interested individuals and parties, an opportunity to review and comment on proposed policy before it is adopted by the board of governors.

(f) (1) The board of governors shall administer the online community college established pursuant to subdivision (a) of Section 75001. In its capacity as the governing board of the online community college, the board of governors shall carry out the functions specified in Section 75003. Members of the board of governors shall receive their actual and necessary traveling expenses while on official business. Each member shall also receive one hundred dollars (\$100) for each day he or she is attending to official business.

(2) (A) The board of governors shall contract with a community college district board of trustees for purposes of establishing a separate collective bargaining agreement with employees of the online community college pursuant to the Educational Employment Relations Act established in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. The Chancellor of the California Community Colleges shall designate the contract community college district. Employees represented by the collective bargaining agreement established pursuant to this paragraph shall be recruited, recommended for hire, and assigned and directed by the chief executive officer of the online community college appointed pursuant to subdivision (d) of Section 75005.



(B) Notwithstanding subdivision (d) of Section 75007, the contract entered into pursuant to subparagraph (A) shall be exempt from any provision of law relating to competitive bidding, and shall be exempt from the review or approval of any division of the Department of General Services. For only the contract, or contracts, applicable to subparagraph (A) the chancellor's office shall also be exempt from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

SEC. 3. Section 72506 of the Education Code is amended to read:

72506. (a) Action taken by any governing board of a community college district to procure insurance shall be governed by the authority of ~~Section 70902~~ Sections 70902 and 75003 and, where applicable, by Sections 989 to 991.2, inclusive, of the Government Code. However, the governing board of any community college district shall ensure against all of the following:

(1) The liability, other than a liability which may be insured against under Division 4 (commencing with Section 3200) of the Labor Code, of the district for damages for death, injury to person, or damage or loss of property.

(2) The personal liability of the members of the board and of the officers and employees of the district for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment.

(b) The insurance may be written by any insurance company authorized to transact the business of insurance in the state, or by a nonadmitted insurer to the extent, and subject to the conditions, prescribed by Section 1763 of the Insurance Code.

(c) Notwithstanding paragraph (2) of subdivision (a), the governing board of any community college district may provide for persons authorized by the governing board to perform volunteer services for the district, insurance coverage which is the same as, or comparable to, that provided for employees of the district including coverage under Division 4 (commencing with Section 3200) of the Labor Code.

(d) The governing board of a community college district may provide protection from its own funds for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies, as provided in this section. The governing board may also provide protection against ~~such the~~ liability partly by means of its own funds and partly by means of insurance written by insurance companies, as provided in this section.

SEC. 4. Part 46.5 (commencing with Section 75000) is added to Division 7 of Title 3 of the Education Code, to read:

#### PART 46.5. CALIFORNIA ONLINE COMMUNITY COLLEGE ACT

75000. (a) This part shall be known, and may be cited, as the California Online Community College Act.

(b) The Legislature finds and declares all of the following:

(1) According to the United States Census Bureau, 2011–15 American Community Survey data, there are 2.5 million Californians between 25 and 34 years of age whose highest educational attainment is either high school or some college. Of this group, 80 percent are working, and nearly half are Hispanic. The public segments



of higher education have traditionally not offered courses that are readily accessible to these Californians. Working adults should have access to high-quality, affordable, and flexible opportunities to pursue postsecondary education that does not conflict with their work and familial obligations.

(2) California recognizes the dedication of every faculty member, classified staff member, manager, and administrator in the Community College system toward supporting the success of California's community college students. As dedicated leaders, innovators, and educators, faculty will be integral to the success of the California Online Community College and improving the economic prosperity of numerous Californians.

(3) Flexible educational options are also critical to those displaced by job loss triggered by recessions. Californians have generally had a difficult time recovering from the Great Recession, but those with an associate's degree earned higher wages and fared better in the recovery than those with only a high school degree or some college. Labor force participation remains low among the working age population, and economists believe this is partially due to a skills mismatch. Furthermore, according to the Economic Policy Institute, 60 percent of jobs created during the economic recovery from 2010 to 2014 went to men versus 40 percent of jobs that went to women.

(4) Immigrants, military veterans, and incarcerated or formerly incarcerated individuals could also benefit from the flexibility created by an affordable, high-quality online education that would allow them to improve their skills and advance their employment opportunities or stay relevant in their careers.

(5) Online education is showing a trend of improving course success rates over time. Research indicates the importance of institutional factors, such as course design, institutional support, effective student orientation and support services, and the development of strategies to promote regular interaction, in contributing to online course success. Studies also indicate that older students generally perform better in online courses than younger students.

(6) The cost for Californians to access online credentials, certificates, and associate's degrees at nonpublic or out-of-state institutions is typically much higher—as much as seven to nine times higher per unit—than at a California community college. An affordable, high-quality, and flexible public online college provides an important alternative to other nonpublic online education options.

(7) According to the Public Utilities Commission, approximately 95 percent of California households have wired broadband availability. Recent legislation authorized additional funding for broadband and establishment of regional goals intended to reduce urban-rural disparities in broadband access. Additionally, the budget provides funding for public libraries to expand access to broadband.

(8) To ensure the future economic resiliency of California's communities, the existing higher education infrastructure must be augmented with learning options that are focused on working learners, including options that are affordable, designed to be flexible for the schedule of working adults, and competency-based to facilitate portability of employable skills. With an open access mission, the California Community Colleges are positioned to work with a diverse population to increase wages and improve economic and social mobility in a rapidly changing economy.

75001. (a) (1) The California Online Community College is hereby established.



(2) The California Online Community College shall be under the administration of the board of governors.

(3) The California Online Community College shall fulfill the purposes of this part, which includes the creation of an organized system of accessible, flexible, and high-quality online content, courses, and programs focused on providing industry-valued credentials compatible with the vocational and educational needs of Californians who are not currently accessing higher education.

(4) The college shall be considered a district and community college within the California Community Colleges system and the state's public system of higher education.

(5) For purposes of Section 14 of Article IX and Sections 8 and 8.5 of Article XVI of the California Constitution, "community college districts" shall include the California Online Community College established pursuant to paragraph (1).

(b) The college shall be guided by principles and procedures developed by the chancellor's office and established by the board of governors. These guiding principles shall include all of the following:

(1) Offering working adults additional access to affordable, quality higher education opportunities with labor market value, especially industry-valued credentials based on competencies leading to employment, earnings gain, or upward mobility in the workplace, and not just courses leading to degrees and certificates.

(2) Providing working adults with the necessary conditions for success with flexible course scheduling, start and stop-off times, technology-enabled support communities to deepen engagement and foster social belonging, and short-term credentials as demonstrations of academic progress.

(3) Supporting student success by developing and implementing innovative teaching and student support methodologies and technologies, including leveraging student data to improve teaching and learning and to support individual student progression, providing quality onboarding of students to support their career exploration, goal-setting, educational planning, and support needs, and leveraging relevant technology resources where possible.

(4) Enhancing systemwide student success efforts by using the college's innovative teaching and student support methodologies and technologies to inform professional development opportunities available to the rest of the community college system.

(5) Ensuring faculty roles are based on the skills needs of the college, such as online instructors, course developers, assessment developers, student mentors, reviewers, and 24-hour virtual classroom support, and ensuring flexible hiring processes that emphasize use of part-time and full-time faculty with field expertise to support emerging programs and shifts in labor market demand.

(6) Addressing barriers faced by working adult students to access higher education, including, but not necessarily limited to, financial aid support, dealing with working learners' prior educational debts that may impede release of transcripts and credits, pathway navigational help, contextualized academic preparation, navigation of family needs and other supports, and coaching and mentoring.

(7) Aligning the college's efforts with the broader goals outlined in the California Community Colleges system's Vision for Success, or other strategic visions outlined



by the board of governors, and holding the college accountable for its students' outcomes and ensuring improved data collection on employment outcomes.

(8) Offering working adults additional access to affordable, high-quality higher education opportunities with labor market value that may lead to additional educational opportunities provided by either the California Online Community College or by another California community college.

(c) The college may collaborate and work closely with other agencies, industry partners, and experts to ensure the success of the college, including, but not necessarily limited to, all of the following:

(1) Students the college serves, to ensure the college meets their needs.

(2) Community-based organizations, to provide student outreach to working learners across California.

(3) Statewide public agencies, such as the State Department of Social Services, the California Labor and Workforce Development Agency, and the Department of Corrections and Rehabilitation, to incorporate strategies to provide immigrants and other groups with barriers to employment with educational opportunities.

(4) Representatives from the labor community, to provide higher wage jobs for journey-level workers or augment apprenticeship training.

(5) Industry and employer partners, including statewide public agency employers, state associations, large employers, and regional consortia of employers, to inform content that is driven by the demands of the labor market and relevant to regional workforce needs.

(6) The California Community Colleges, to leverage their existing career technical education regional consortia, the Strong Workforce Program regional consortia, and adult education regional consortia.

(7) Two-year and four-year institutions or a consortia, to promote recognition of student skills and knowledge toward degree pathways as well as a way to increase student access and transfers to additional higher educational opportunities.

(d) The college shall conduct all of the following activities:

(1) The college shall offer at least three program pathways within the first three years of program implementation, developed exclusively to serve the population of students not yet accessing postsecondary education or without their first industry-valued credential. The college shall create new programs.

(2) To ensure student success, the college shall also do all of the following:

(A) Establish competency-based educational opportunities that recognize students' prior learning and help students advance toward a credential. Competencies shall be established with the advice of appropriate faculty and employers, and shall be focused on knowledge and skills a student must demonstrate to pass a course and to earn a credential. Examples of prior learning include prior military service, registered apprenticeship training, industry-recognized certifications, or experience from other careers. Assessments shall be developed to enable students to demonstrate mastery and shall be mapped to the competencies.

(B) Supplement registered apprenticeship programs and the California Apprenticeship Initiative training as appropriate, and create apprenticeship instructor upskilling training, courses, and programs that are valued by the labor and employer communities.





(C) Identify opportunities to develop short-term, stackable credentials and industry certifications with labor market value. The college shall also leverage existing articulation agreements and develop new articulation agreements with other California Community Colleges, the California State University, the University of California, and other accredited public and independent institutions to facilitate stackability into credit-bearing courses.

(D) Develop, adapt, or apply technology to meet the ongoing needs of students.

(E) Develop a Research and Development Unit that utilizes current and future learning sciences technology, assesses data metrics within the college's technological infrastructure to gauge student progress in a course or pathway, informs instructional and support strategies, and improves the functionality of the underlying technology used by the college.

(F) Redesign transcripts in a digital, verifiable format that links coursework, credentials, and competencies to track a student's entire body of learning in one document. Any redesigned transcript technology shall be a part of the integrated technology portfolio of the chancellor's office and made available to any campus of the California Community Colleges.

(G) Identify shortcomings in the student experience for unserved and underserved students and develop technological and programmatic solutions to address the gap.

(H) Distribute gains in data and learning science and effective technology-enabled tools and resources throughout the California Community Colleges.

(3) The college shall utilize and leverage, where appropriate, the programs and activities of the chancellor's office, including the Online Education Initiative and the Zero-Textbook-Cost Degree Grant Program and Open Educational Resources, the Strong Workforce Program, and the Guided Pathways Program framework. This shall include both of the following activities and practices:

(A) Organize newly developed content, courses, programs, and students supports consistent with the Guided Pathways Program framework.

(B) Utilize the Online Education Initiative's existing social and technological infrastructure for students, instructors, and administrators, including all of the following:

(i) Contribute to the Initiative's common course management platform for online content and classes.

(ii) Utilize and develop comprehensive, specialized student supports that are technology-enabled for scale and focused on the student experience, including, but not limited to, pathway navigation, online tutoring, online mentoring, and online help desk support. These supports, as well as the instructional delivery, shall be made available during nontraditional working hours to promote student success for the focus population.

(iii) Leverage free or low-cost, high-quality online educational materials for students through Open Educational Resources and the Zero-Textbook-Cost Degree Grant. The college shall ensure any open educational resources that are developed are available for use by any California community college through the system's common learning management platform.

(iv) Enhance systemwide student success efforts by using the College's innovative teaching and student support methodologies and technologies to inform professional development opportunities available to the rest of the system through the Online Education Initiative and the Institutional Effectiveness Partnership Initiative.



(e) The college shall not enter into College and Career Access Pathways partnerships pursuant to Section 76004.

(f) It is the intent of the Legislature that the California Online Community College create unique content and deliver it in a manner that is not duplicative of programs offered at other local community colleges.

(g) Upon the establishment of an Academic Senate for the California Online Community College, the faculty shall review the Online Education Initiative Protocols for online content and adopt as appropriate.

75002. For purposes of this part, the following terms have the following meanings:

(a) "Board of governors" means the Board of Governors of the California Community Colleges.

(b) "Chancellor's office" means the Office of the Chancellor of the California Community Colleges.

(c) "College" means the California Online Community College established under this part.

(d) "Competency-based education" means systems of instruction, assessment, grading, and academic reporting that are based on students demonstrating that they have learned the knowledge and skills they are expected to learn as they progress through their education.

(e) "Guided Pathways Program" means a program that includes the activities and practices established pursuant to Section 88921.

(f) "Industry" means trade associations or those firms that produce similar products or provide similar services using somewhat similar business processes.

(g) "Stackable credential" means a part of a sequence of credentials that can be accumulated over time and move an individual along a career pathway or up a career ladder.

75003. (a) The California Online Community College established pursuant to subdivision (a) of Section 75001 shall be under the administration of the board of governors.

(b) In furtherance of subdivision (a), the board of governors shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the California Online Community College. In so doing, the board of governors shall, as required by law, establish policies for, develop, and approve comprehensive plans.

(2) Establish policies for and approve courses of instruction and educational programs.

(3) Establish academic standards, probation, dismissal, and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

(4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the chief executive officer appointed pursuant to subdivision (d) of Section 75005, and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the college's operational and capital outlay budgets.



(6) Manage and control the college's property. The board of governors may contract for the procurement of goods and services as authorized by law.

(7) Establish procedures that are consistent with minimum standards otherwise established by the board of governors to ensure faculty, staff, and students have the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in college governance, and to ensure the right of the college's academic senate to make recommendations in the areas of curriculum and academic standards. The California Online Community College may establish procedures enabling the use of a digital format, or formats.

(8) Establish rules and regulations governing student conduct.

(9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.

(10) In its discretion, receive and administer gifts, grants, and scholarships.

(11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.

(12) Within the general framework provided by law, determine the college's academic calendar, including the holidays it will observe. Notwithstanding Section 84890, the college may enable the offering of courses under a flexible calendar. Notwithstanding any other law, in recognition of the ability to adopt a flexible academic calendar, the board of governors shall also have the flexibility to utilize an alternative definition of "academic year" for purposes of this part.

(13) Hold and convey property for the use and benefit of the college.

(14) Participate in the consultation process otherwise established by the board of governors for the development and review of policy proposals.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the board of governors shall have full authority to adopt rules and regulations that are necessary and proper to executing these prescribed functions and may, as applicable, use a digital format, or formats. Any action taken pursuant to this subdivision by the board of governors is exempt from the Administrative Procedure Act, as defined in Section 11370 of the Government Code.

(d) Wherever in this section or any other statute a power is vested in the board of governors, the board of governors, by majority vote, may adopt a rule delegating the power to the college's chief executive officer or any other employee or committee as the board of governors may designate. However, the board of governors shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

75003.1. (a) It is the intent of the Legislature that all students with disabilities enrolled in the California Online Community College be entitled to receive support services and educational accommodations so that they can participate in and benefit from the California Online Community College equal to those students without disabilities. It is the further intent that all support services and educational accommodations made available to students with disabilities at the other community colleges be made equally available to students with disabilities enrolled in the California Online Community College.

(b) The board of governors shall do all of the following:



(1) Ensure the College is in compliance with statutory provisions regarding access for individuals with disabilities, including, but not necessarily limited to, Chapter 14 (commencing with Section 67300) of Part 40 of Division 5, and Section 84850. This duty shall include, but not necessarily be limited to, the creation of a Disabled Students Programs and Services program within the California Online Community College with staff able to assist students with disabilities who are eligible for academic adjustments, auxiliary aids, services, and instruction that may be necessary for equal access to the general activities, programs, and classes offered by the California Online Community College and any other services specified in Section 67311.

(2) Ensure the California Online Community College's use of electronic technology is in compliance with the accessibility requirements of state and federal electronic and information technology policy and statutes, including Sections 7405 and 11135 of the Government Code; Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended and the regulations implementing that act set forth in Part 1194 of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part; and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), no later than December 31, 2020. In carrying out this duty, the board of governors shall ensure electronic technology used by the California Online Community College has undergone user testing by persons with disabilities for the purpose of assessing compliance with the aforementioned requirements.

(3) Ensure that the California Online Community College's use of instructional resources, including, but not necessarily limited to, textbooks and other digital or printed course materials, is in compliance with Sections 66406, 66406.7, 66406.9, 67302, and 67302.5, and any other provisions regarding the accessibility, availability, and affordability of such materials.

(4) Establish a complaint procedure for disabled California Online Community College employees, students, and members of the public to register complaints about accessibility services required pursuant to this section and for resolving the complaints. In any case where a complaint is founded on the failure of the California Online Community College to meet the compliance requirements of this section, the California Online Community College shall provide, upon request of the complainant, an immediate accommodation to meet the needs of the complainant caused by the compliance failure. The California Online Community College shall maintain a summary of the complaints received and the resolution of the complaints including any accommodations made due to the lack of compliance.

(5) Report to the Legislature and the Department of Finance on compliance with this section at each reporting interval specified for start-up milestones specified in subdivision (b) of Section 75011.

(c) Nothing in this section shall limit the rights of any person to pursue any remedies or causes of action that they may have under any state or federal law to enforce compliance with those laws or the obligations stated in subdivision (b).

75004. (a) Notwithstanding Section 72000, the California Online Community College may sue and be sued, and shall act in accordance with Section 75003.

(b) Notwithstanding Section 72000, the name of the California Online Community College is the property of the board of governors. No person shall, without permission of the board, use the name, or any abbreviation of the name, or any name of which these words are a part, in any of the following ways:



(1) To designate any business, social, political, religious, or other organization, including, but not necessarily limited to, any corporation, firm, partnership, association, group, activity or enterprise.

(2) To imply, indicate or otherwise suggest that any organization, or any product or service of the organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by one or more California community colleges, the board of governors, or the chancellor's office.

(3) To display, advertise, or announce these names publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda, advertising, or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity, or program.

(c) Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement in the course of stating his or her experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

(d) Meetings conducted by the board of governors on items that are related to the California Online Community College shall be conducted separately from the other statutory functions of the board of governors, and shall be subject to the same public meeting requirements as apply to community college districts.

75005. (a) The requirements of Article 3 (commencing with Section 72022) of Chapter 1 of Part 45 shall not apply to the board of governors in fulfilling its duties related to the California Online Community College.

(b) The Legislature declares that the board of governors, in carrying out its duties pursuant to Section 70901 and Article 2 (commencing with Section 71020.5) of Part 44, is expressly determined to not have a conflict of interest in the administration of the California Online Community College.

(c) Notwithstanding Chapter 1.5 (commencing with Section 78100) of Part 48, the board of governors may instead provide access to Internet-based library services and materials or by contractual arrangements with other entities.

(d) (1) Notwithstanding any other law, the board of governors may authorize the chancellor, or designate members with the appropriate skills and experience, including those necessary to guide the formation of a new entity, to exercise any powers or responsibilities or to take any official actions with respect to the management of the college, including any of the college's assets, contracts, expenditures, facilities, funds, personnel, or property.

(2) If the board of governors exercises this authority, the chancellor, or the designees of the board of governors, may appoint a chief executive officer to manage the California Online Community College. The chief executive officer shall have served in a similar capacity prior the establishment of the California Online Community College and shall have expertise in the development and operation of online offerings at a public or nonprofit institution, or shall have relevant qualifications to serve as the chief executive officer of the California Online Community College. The chief executive officer shall meet the minimum qualifications for service as an academic administrator in the California Community Colleges.



(3) A chief executive officer appointed under this subdivision shall serve at the pleasure of the board of governors.

(4) A chief executive officer appointed pursuant to this section is authorized to do all of the following:

(A) Develop fiscal policies and practices for the operation of the California Online Community College.

(B) Enter into agreements on behalf of the California Online Community College.

(C) In consultation with the Chancellor of the California Community Colleges, establish an advisory council process to advise the chief executive officer on issues related to of the California Online Community College. The advisory process shall involve representatives from boards of trustees of community college districts and represented employees of the California Online Community College. A participant in the advisory process shall not receive any compensation or benefits for his or her services.

(D) Consistent with the requirements of the terms of the contract established pursuant to subparagraph (A) of paragraph (2) of subdivision (f) of Section 70901, hire sufficient staff, with appropriate preparation and experience, to provide the functions necessary to support the college's mission and purpose.

(E) Hire sufficient numbers of qualified faculty that meet the minimum qualifications established by the college, with appropriate preparation and experience to provide online instructional design and technology-supported student supports to achieve the college's mission and purpose.

(F) Manage and control the operations of the college.

(5) In the event of a vacancy in the chief executive officer position, the chancellor shall temporarily assume all of the powers and duties of the chief executive officer until another chief executive officer can be appointed pursuant to this section.

(6) The board of governors, or its authorized designees, may contract with the Foundation for California Community Colleges for the purpose of providing administrative support for the college's start-up functions.

75007. (a) The college shall be developed and guided by principles and procedures established by the chancellor's office, as referenced in Section 75001.

(b) (1) The college shall seek accreditation and meet requirements for students to become eligible for federal and state financial aid.

(2) While the college is seeking accreditation, the Workforce Development Board and the Employment Development Department shall determine whether the programs offered by the online college have job market value to California industries by utilizing existing programmatic review processes.

(3) The college shall explore a process for allowing students to retroactively obtain credit units upon demonstrated mastery of competencies for programs completed while the college was seeking accreditation. It is the intent of the Legislature that the college reimburse students for any fees charged if the college fails to meet accreditation standards.

(c) In meeting the requirements of paragraph (4) of subdivision (b) of Section 75003, the California Online Community College shall comply with collective bargaining pursuant to paragraph (2) of subdivision (f) of Section 70901. It is the intent of the Legislature that faculty recruitment efforts for the college will focus on California residents who meet the minimum qualifications to be employed at a California



community college, or individuals with experience within the California Community Colleges system.

(d) The college shall be subject to the same competitive bidding and state contracting requirements that apply to California community college districts.

(e) Curricular issues, such as establishment of enrollment caps for courses, shall be subject to the same approval processes that apply to California community college districts. The curriculum developed by the California Online Community College and its faculty shall have the same protections granted to all curriculum developed by other California Community Colleges.

(f) It is the intent of the Legislature that any general-purpose apportionment apportioned to the college be subject to the regulatory frameworks of shared governance pursuant to paragraph (7) of subdivision (b) of Section 70902 and the Full-Time Faculty Obligation Number established in Section 51025 of Title 5 of the California Code of Regulations.

75008. (a) The college shall develop a Research and Development Unit that is student-centered and focused on the science of learning to ensure that the technology used by the college is working for the communities it is intended to serve.

(b) The Research and Development Unit shall be focused on leveraging current and future learning sciences technology, assessing data metrics within the technological infrastructure to gauge student progress in a course or pathway, informing instructional and support strategies, and improving on the functionality of the underlying technology.

(c) The Research and Development Unit shall focus on using technology, data science, behavioral science, machine learning, and artificial intelligence to build out student supports, such as, but not limited to, a virtual help desk which uses technology to respond to commonly asked questions from students at any hour of the day and week.

(d) The Research and Development Unit shall share the data, metrics, and findings with the college's faculty, administrators, and technologists to inform and evolve better teaching and student support practices.

(e) The Research and Development Unit shall regularly collaborate with the Digital Innovation and Infrastructure Division of the chancellor's office to ensure integration, interoperability, and, where possible, use open standards.

(f) Insights from the Research and Development Unit shall be shared across the California Community Colleges through existing professional development channels to support campuses in accelerated adoption of demonstrated advancements in teaching, learning, and student supports throughout the system.

75009. (a) By July 1, 2020, the college shall be expected to, at a minimum, meet the following milestones:

(1) Fully develop a seven-year implementation plan, validate a business plan, and develop three program pathways designed in partnership with employers and industry groups.

(2) Develop internal business processes and personnel policies, such as hiring, salaries, and evaluations, and establish outcomes goals including the classifications necessary to support instructional development, and activities and other elements of the student experience.



(3) Map the student experience, including, but not necessarily limited to, recruiting, onboarding, transcriptions, instructional experience, billing, entry into internship if applicable to the student's programs, and entry into jobs.

(4) Develop an accreditation plan.

(5) Create a statewide outreach plan, which includes working with immigrant groups and community-based organizations to reach the target population of working learners and help design educational opportunities that work for these learners.

(6) Define the duties for instructional support, program development, and other student experience activities.

(7) Establish a process for the recognition of prior learnings into the student onboarding experience.

(8) Plan to begin enrolling students by the last quarter of 2019.

(b) By July 1, 2021, the college shall be expected to, at a minimum, meet all of the following milestones:

(1) Incorporate student feedback to improve the college's instruction, technology, and student support services.

(2) Design and validate at least three additional program pathways, including coordinating the creation of new content.

(3) Apply for accreditation from an accreditor recognized by the United States Department of Education.

(c) By July 1, 2023, the college shall be expected to, at a minimum, meet all of the following milestones:

(1) Enroll students into the college's program pathways.

(2) Incorporate student feedback to improve the college's instruction, technology, and student support services.

(3) Design and validate at least 10 additional program pathways, including coordinating the creation of new content.

(d) By July 1, 2025, the college shall be expected to, at a minimum, meet the following milestones:

(1) Enroll students into the college's program pathways.

(2) Incorporate student feedback to improve the college's instruction, technology, and student support services.

75010. (a) Notwithstanding any other law, the college may establish an affordable fee structure.

(b) (1) Regardless of the college's fee structure, enrolled students shall be eligible for fee waivers that are consistent with the fee waiver goals of the California College Promise Grants authorized pursuant to Article 1 (commencing with Section 76300) of Chapter 2 of Part 47 and California College Promise fee waivers authorized pursuant to Article 3 (commencing with Section 76396) of Chapter 2 of Part 47.

(2) Regardless of the college's fee structure, students exempt from nonresident tuition pursuant to Article 9 (commencing with Section 76140) of Chapter 1 of Part 47 shall be eligible for tuition and fee waivers pursuant to paragraph (1).

(c) It is the intent of the Legislature that students enrolled in the college be eligible to participate in the Cal Grant program if the student otherwise meets the applicable statutory and regulatory requirements of the program.

(d) (1) One-time funds appropriated in Section 2.00 of the Budget Act of 2018 in support of the college shall be expended to support the college's start-up costs.





Start-up costs may include support for activities, including, but not necessarily limited to, all of the following:

(A) Roadmap development and capital investments for scalable technology infrastructure development to support the college's instruction, technological support, continuous improvement modeling, and administrative functions.

(B) Design and development of the Research and Development Unit that may include fully-supported virtual and mobile labs in order to assess learning science, as well as demonstration pilots to test and refine technology and program development to ensure greater effectiveness and scalability.

(C) Establishment of key partnerships with entities with physical presence to provide in-person supports, such as libraries and community college labs and facilities.

(D) Support for the development of core functions, such as mapping the student experience, developing and testing a new and experimental fee model, establishing a student outreach plan, and establishing key employer partners.

(E) Development of a seven-year business plan with key milestones, indicators, and outcomes.

(F) Preparation for and development of applications to seek accreditation.

(G) Establishment of business processes, legal support, development of initial and long-term staffing plan, personnel policies and procedures, establishment of responsive metrics, and indicators driving student success to inform design.

(H) Scaling efforts over the seven-year startup period.

(2) Ongoing funds appropriated in the annual Budget Act in support of the college shall be expended to support the college's ongoing operations. Ongoing costs may include support for activities, including, but not necessarily limited to, all of the following:

(A) Licensing and maintenance for use of technology and related tools.

(B) Professional development and training, particularly for faculty and staff in student-facing support roles.

(C) Continued assessment of student program pathways, including validation, content development and improvements, and partnership development.

(D) Ongoing costs associated with salaries and benefits, facilities, supplies, and incidentals.

(E) Other administrative functions of the college.

(e) The California Online Community College shall be eligible to claim general apportionment funding pursuant to the formula established in Section 84750.5 or any successor section.

(1) Consistent with a Student-Focused Funding Formula established pursuant to pending legislation, the district would be eligible for supplemental grants and student success incentive grants.

(2) For the first three years in which the district claims apportionments funding, the district's student success incentive grant metrics may be based on the statewide average for all other community college districts.

(3) For purposes of computing the District's apportionments funding, growth in enrollment for the district will be computed separately from the other California Community Colleges. It is the intent of the Legislature that apportionments for enrollment growth funding for the district be appropriated separately from



apportionments enrollment growth funding appropriated in support of all other California Community Colleges.

(f) Of the funds appropriated in support of the college, no Proposition 98 General Fund moneys shall be used to support the state operations of the Chancellor's Office.

75011. (a) The college shall be held to at least the same accountability measures and key performance indicators developed by the Board of Governors of the California Community Colleges and the Chancellor's Office of the California Community Colleges that are applicable to all other campuses of the California Community Colleges.

(b) In addition, the college shall report to the Legislature and the Department of Finance on all of the following measures:

(1) The college shall report on startup milestones, including the number of designed program pathways, by August 1, 2019.

(2) The college shall report on startup milestones, including student enrollment and the number of designed program pathways, by August 1, 2020.

(3) The college shall report on startup milestones, including student enrollment, the number of designed program pathways, and student outcomes, by August 1, 2021. This report shall serve as a comprehensive status report on the college's activities and outcomes, including information on student employment and earning gains after completion of programs, other student success metrics identified by the Research and Development Unit, the number of faculty and staff employed by the college, and a qualitative description of the college's efforts and progress to reach and serve working adults.

(4) The college shall report on startup milestones, including student enrollment, the number of designed program pathways, student outcomes, progress on transition planning for the scaling phase, and a qualitative description of any innovative teaching and student support practices and technologies developed by the college's faculty and staff, by August 1, 2022, and August 1 of each year thereafter.

(c) By January 1, 2026, the college shall also be assessed by an independent evaluator contracted by the board of governors. The independent evaluator shall assess the progress of program production, relationships with industry partners, student success, and the like.



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Community colleges: California Online Community College.

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.

This bill would establish the California Online Community College, under the administration of the board of governors, for purposes of creating an organized system of accessible, flexible, and high-quality online content. The bill would specify the guiding principles of the California Online Community College, and would specify the arrangements and procedures for governance of the online college, including the appointment, by the board of governors, of a chief executive officer of the college. The bill would authorize the college to establish an affordable fee structure, as specified. The bill would identify various milestones that the college is expected to meet by specified dates. The bill would enact other related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

