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Assembly Bill No. 928

CHAPTER 566

An act to add, repeal, and add Section 66749.8 of the Education Code, relating to postsecondary education.

[Approved by Governor October 06, 2021. Filed with Secretary of State October 06, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 928, Berman. Student Transfer Achievement Reform Act of 2021: Associate Degree for Transfer Intersegmental Implementation Committee.

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 postsecondary education in this state. The California Community Colleges system provides instruction to students at 116 campuses operated by community college districts throughout the state and, among other things, provides its students with a transfer pathway, facilitated by mechanisms such as the associate degree for transfer, allowing students to apply academic credit earned at a community college toward receipt of a bachelor's degree at a 4-year postsecondary educational institution.

The Donahoe Higher Education Act requires a student who earns an associate degree for transfer (ADT) to be deemed eligible for transfer into a California State University baccalaureate program when the student meets certain requirements. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California act, by resolution, to make them applicable.

Existing law establishes the California Community College Guided Pathways Grant Program under the administration of the office of the Chancellor of the California Community Colleges and requires the chancellor's office to distribute grants, upon appropriation by the Legislature, to community colleges that meet certain requirements, to integrate existing student-success programs and develop clearly structured, coherent guided pathways programs.

This bill would express findings and declarations of the Legislature related to the process of transfer from community colleges to 4-year postsecondary educational institutions. The bill would express the intent of the Legislature to enact legislation related to a student-centered transfer process.

This bill would establish, until July 1, 2025, the Associate Degree for Transfer Intersegmental Implementation Committee to serve as the primary entity charged with the oversight of the ADT. The bill would specify the committee's membership. The bill would assign numerous duties to the committee, including the duty to establish timelines and reporting deadlines relating to reviews of transfer model curricula, and the duty to develop a comprehensive communications plan and guidance to inform students about the ADT pathway. The bill would also require the committee, on or before December 31, 2023, to provide the Legislature with recommendations on certain issues impeding the scaling of the ADT and streamlining transfer across segments for students.

The bill would require the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges, on or before May 31, 2023, to establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to the California State University and the University of California, and would require, if the committee is unable to come to agreement on or before May 31, 2023, the respective administrative bodies of those segments to establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to the California State University and the University of California by December 31, 2023. The bill would require the singular lower division general education pathway, commencing with the fall term of the 2025–26 academic year, to be the only lower division general education pathway used to

determine eligibility and sufficient academic preparation for transfer into both segments, and to not lengthen the time-to-degree or include more units than those required under the Intersegmental General Education Transfer Curriculum on July 1, 2021. These requirements pertaining to the singular lower division general education pathway would apply to the University of California only if the regents adopt an appropriate resolution, as required by existing law.

Where ADTs for major pathways exist, the bill would require the California Community Colleges, on or before August 1, 2024, to place students who declare a goal of transfer on their mandatory education plans on the ADT pathway if the student has not opted out, as specified, and if such a pathway exists for their intended major. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

This bill would authorize community colleges to use funds appropriated in the Budget Act of 2021 or subsequent budget acts to support the continued implementation of the California Community College Guided Pathways Grant Program to implement the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) The 1960 Master Plan for Higher Education promised an accessible, affordable, and high-quality higher education for all California students who qualify. The transfer pathway, from community college to four-year postsecondary educational institution, is an integral component of the master plan's commitment to access and affordability.
- (2) Many students attend community college with the hope of transferring to complete a bachelor's degree. However, the master plan did not say how transfer would work in practice for students.
- (3) While recent efforts such as the Associate Degree for Transfer and remedial education reform have led to important gains, the transfer process is still unnecessarily complex, confusing, and difficult for the vast majority of students to navigate.
- (4) Transfer students are more often Black and Latinx as well as first generation, highlighting transfer as an important way to close equity gaps.
- (5) A report released in September 2020 by the Public Policy Institute of California found that a large gap exists between the number of students who hope to transfer and those who do: 19 percent of students with a stated transfer goal do so within four years; 28 percent do so within six years.
- (6) The Public Policy Institute of California also found that equity gaps are a big concern. While Latino students represent 51 percent of students who declare a degree or transfer goal, they represent 35 percent of those who transfer within four years; African American students represent 7 and 5 percent, respectively.
- (7) There is a clear need to further streamline and make the transfer process easier for students to navigate, especially during these challenging and unprecedented times.

(b) It is the intent of the Legislature to enact legislation related to a student-centered transfer process.

SEC. 2. Section 66749.8 is added to the Education Code, immediately following Section 66749.7, to read:

66749.8. (a) (1) This section shall be known, and may be cited, as the Student Transfer Achievement Reform Act of 2021.

(2) For purposes of this section, the following definitions apply:

- (A) "ADT" means associate degree for transfer.
- (B) "Committee" means the Associate Degree for Transfer Intersegmental Implementation Committee established in subdivision (b).
- (C) "Four-year postsecondary educational institution" means a campus of the University of California or California State University or an independent institution of higher education defined in subdivision (b) of Section 66010.
- (D) "STEM" means science, technology, engineering, and mathematics.

(b) The Associate Degree for Transfer Intersegmental Implementation Committee is hereby established for the following purposes:

- (1) To serve as the primary entity charged with the oversight of the associate degree for transfer for the sole purpose of strengthening the pathway for students and to ensure it becomes the primary transfer pathway in California between campuses of the California Community Colleges and the University of California, the California State University, and

participating independent institutions of higher education defined in subdivision (b) of Section 66010, so that more students can avail themselves of the pathway's benefits. The oversight shall include, but is not limited to, all of the following:

- (A) Ensuring a reduction in the number of excess units accumulated by California Community College students before transferring to four-year postsecondary educational institutions.
- (B) Eliminating repetition of courses at four-year postsecondary educational institutions taken by California Community College students who successfully transfer into four-year postsecondary educational institutions.
- (C) Increasing the number of California Community College students who transfer into a four-year postsecondary educational institution through an ADT pathway.

(2) To enhance coordination and communication between four-year postsecondary educational institutions and the California Community Colleges by providing a venue by which they can regularly meet and address issues that are impeding the purpose described in paragraph (1).

(3) To provide the Legislature and the Governor with recommendations to support the purpose described in paragraph (1).

(c) Meetings of the committee are subject to the Bagley-Keene Open Meeting Act established under Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

(d) (1) The committee shall be convened by a third-party planning facilitator. The third-party planning facilitator shall perform all of the following duties:

- (A) Provide facilitation and staff support to the committee.
- (B) Develop written reports of the committee's recommendations and progress pursuant to subdivisions (g) and (h).
- (C) Facilitate advisory groups as needed to support the committee's goals.

(2) For purposes of paragraph (1), the Office of Planning and Research may enter into an exclusive or nonexclusive contract with a third-party planning facilitator on a bid or negotiated basis. A contract entered into or amended pursuant to this paragraph shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and from the review or approval of any division of the Department of General Services.

(3) The Office of Planning and Research shall report to the Department of Finance and relevant subcommittees of the Legislature on a contract awarded pursuant to paragraph (2) within 30 days of awarding the contract. The report shall include information on funding amounts provided to the contractor.

(e) (1) The membership of the committee shall reflect its intersegmental function by including a cross-section of the stakeholders who will be needed to fulfill the committee's responsibilities.

(2) (A) Each of the following entities shall designate, on or before March 1, 2022, one representative to serve on the committee:

- (i) The Office of the Chancellor of the California Community Colleges.
- (ii) The Office of the Chancellor of the California State University.
- (iii) The Office of the President of the University of California.
- (iv) The Association of Independent California Colleges and Universities.
- (v) The State Department of Education.
- (vi) The Student Senate for the California Community Colleges.
- (vii) The California State Student Association.
- (viii) The University of California Student Association.
- (ix) The Academic Senate for the California Community Colleges.
- (x) The Academic Senate of the California State University.
- (xi) The Academic Senate of the University of California.

(B) Designating entities described in subparagraph (A) shall fill vacancies when their representative member positions on the committee are vacant.

(3) (A) On or before March 1, 2022, five members of the committee shall be appointed as follows:

- (i) The Senate Committee on Rules shall appoint one member from the workforce sector with expertise in the fields of science, technology, engineering, or mathematics.

- (ii) The Speaker of the Assembly shall appoint one member with a background in higher education research that includes scholarship on student transfer issues in the state.
- (iii) The Lieutenant Governor shall appoint one member from an educational equity and social justice organization.
- (iv) The Governor shall appoint one member from an educational equity and social justice organization.
- (v) The Governor shall appoint one member who is a California community college student.
 - (B) Appointing entities described in subparagraph (A) shall fill vacancies when their appointed member positions on the committee are vacant.
 - (C) Members appointed pursuant to subparagraph (A) shall serve at the pleasure of their respective appointing entities.
- (4) The first chair of the committee shall be the representative from the Office of the Chancellor of the California Community Colleges and shall serve a two-year term. Following the first chair's two-year term, the committee shall elect a chair from its members to serve a two-year term. A member shall not serve consecutive terms as chair of the committee and the position of chair shall rotate among the members of the committee.
- (f) To support the goals of the committee described in subdivision (g) and obtain additional input from other interested stakeholders, the third-party planning facilitator identified pursuant to paragraph (2) of subdivision (d) may engage with the expertise of faculty through existing intersegmental oversight bodies and workgroups, including, but not limited to, the Intersegmental Committee of the Academic Senates, the Intersegmental Curriculum Workgroup, the Intersegmental Coordinating Committee, and the California Intersegmental Articulation Council. The committee shall also use the members designated pursuant to clauses (ix) to (xi), inclusive, of subparagraph (A) of paragraph (2) of subdivision (e) as liaisons to their respective curriculum workgroups to ensure better coordination and alignment.
- (g) On or before December 31, 2023, the committee shall provide the Legislature with recommendations on all of the following issues impeding the scaling of the ADT and streamlining transfer across segments for students:
 - (1) Identifying annual goals for increasing transfer rates in California and closing racial equity gaps in transfer outcomes to be adopted by the state. Specifically, these goals shall include all of the following:
 - (A) Annual goals for improving transfer attainment needed to meet the state's workforce demands.
 - (B) Goals for closing gaps in transfer outcomes by race.
 - (C) Goals for closing regional opportunity gaps to access ADT pathways.
 - (D) Annual goals to meet the statewide degree attainment goal of 70 percent.
 - (2) Proposing a new unit threshold for STEM degree pathways that meet the requirements for admission to the California State University and the University of California. The recommendations made pursuant to this paragraph shall comply with both of the following requirements:
 - (A) The recommendations shall include sufficient evidence supporting a higher unit threshold for each STEM degree pathway, including an analysis of colleges that have succeeded in adopting similar pathways within the 60-unit framework for lower division units taken at the California Community Colleges.
 - (B) A recommendation for a differing unit threshold within a STEM degree pathway shall not recommend a change of more than six units.
 - (3) Reengaging ADT earners who do not transfer or apply for transfer into a four-year postsecondary educational institution.
- (h) On or before December 31, 2024, the committee shall achieve all of the following:
 - (1) Establish timelines and reporting deadlines for the existing regular review of declaring or matching transfer model curricula similar to the California State University majors for admissions purposes. In doing this, the committee shall develop a plan to establish reporting and accountability requirements to ensure that transfer model curricula are aligned with the ADT.
 - (2) Develop a plan for the periodic analysis and creation of additional transfer model curricula for the ADT to respond to evolving workforce demands, including STEM degree pathways, and degree pathways that will aid in the economic recovery from the COVID-19 pandemic, such as nursing and cybersecurity. The plan shall establish venues for professional collaboration in consultation with academic senates and appropriate discipline faculty on degree production, major alignment, and workforce- or industry-specific relevance.
 - (3) (A) Develop a comprehensive communications plan and guidance on student-centered outreach to inform students about the ADT pathway and to ensure prompt and accurate information is communicated across four-year postsecondary educational institutions, the California Community Colleges, and elementary and secondary education.
 - (B) The plan developed under subparagraph (A) shall include, but not be limited to, guidance to community college counselors and articulation officers on their role in communicating the value of the ADT pathway, guidance to high school counselors on incorporating the ADT pathway into their menu of college options, and templates that can be customized for outreach in local contexts. The communications plan shall also address how updates about the ADT pathways, including

new majors and new participating four-year postsecondary educational institutions, will be communicated to four-year postsecondary educational institutions, the California Community Colleges, and high schools.

(C) The plan developed under subparagraph (A) shall address how updates about the ADT pathway will be regularly communicated to four-year postsecondary educational institutions, the California Community Colleges, and high schools so that counselors, advisers, and student support staff engaged in educating students about their college options, participating four-year postsecondary educational institutions, and degree options, have the most current information about the ADT pathway, and are aware of updates to the program such as new majors or new participating four-year postsecondary educational institutions.

(4) Provide feedback for the regular review and identification of updates needed to the ADT internet website maintained by the California Community Colleges to ensure current information and updates are communicated to students, families, and student support staff engaged in educating students about their college options, participating four-year postsecondary educational institutions, and degree options.

(i) (1) On or before May 31, 2023, the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges shall establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to both the California State University and University of California. If the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges is unable to come to agreement on or before May 31, 2023, the respective administrative bodies of those segments shall establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to the California State University and the University of California by December 31, 2023.

(2) Commencing with the fall term of the 2025–26 academic year, the singular lower division general education pathway established pursuant to paragraph (1) shall be the only lower division general education pathway used to determine academic eligibility and sufficient academic preparation for transfer admission to the California State University and the University of California.

(3) The singular lower division general education pathway established pursuant to paragraph (1) shall not lengthen the time-to-degree and shall not include more units than is required under the Intersegmental General Education Transfer Curriculum on July 31, 2021.

(j) (1) On or before August 1, 2024, where ADTs for major pathways exist, the California Community Colleges shall place students on the ADT pathway if students declare a goal of transfer on their mandatory education plans pursuant to the Seymour-Campbell Student Success Act of 2012 (Article 1 (commencing with Section 78210) of Chapter 2 of Part 48 of Division 7) and such a pathway exists for their intended major, to maximize the probability that students will transfer into a four-year postsecondary educational institution and earn a degree in their chosen field of study in a timely manner, and to minimize the accrual of excess units.

(2) A student may opt out of the ADT pathway for a local associate degree or if the student plans to apply to transfer to a University of California campus or an independent institution of higher education defined in subdivision (b) of Section 66010. Each community college shall use their existing processes for student education plans pursuant to the Seymour-Campbell Student Success Act of 2012 (Article 1 (commencing with Section 78210) of Chapter 2 of Part 48 of Division 7) and enrollments to implement the opt out feature where an ADT exists.

(3) This section shall not be construed to prohibit a student from being on the ADT pathway and also applying to transfer to a University of California campus or an independent institution of higher education defined in subdivision (b) of Section 66010.

(4) If an ADT pathway does not exist in the student's chosen major, then there is no ADT pathway on which to place the student. This subdivision does not apply to students seeking to complete a community college baccalaureate degree program or a career technical education program that does not have an ADT pathway.

(k) Funding appropriated in the Budget Act of 2021 or subsequent budget acts to support the continued implementation of a guided pathways program pursuant to the California Community College Guided Pathways Grant Program established pursuant to Part 54.81 (commencing with Section 88920) of Division 7 may be used by community colleges to implement this section. It is the intent of the Legislature that community colleges also prioritize additional funding received in the 2021–22 fiscal year or a subsequent fiscal year to assist students' success through transfer programs to the extent the activities performed pursuant to this section are not prohibited by the legislative appropriations.

(l) This section shall remain in effect only until July 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 3. Section 66749.8 is added to the Education Code, immediately following Section 66749.7, to read:

66749.8. (a) (1) This section shall be known, and may be cited, as the Student Transfer Achievement Reform Act of 2021.

(2) For purposes of this section, the following definitions apply:

(A) "ADT" means associate degree for transfer.

(B) "Four-year postsecondary educational institution" means a campus of the University of California or California State University or an independent institution of higher education defined in subdivision (b) of Section 66010.

(C) "STEM" means science, technology, engineering, and mathematics.

(b) (1) On or before May 31, 2023, the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges shall establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to both the California State University and University of California. If the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges is unable to come to agreement on or before May 31, 2023, the respective administrative bodies of those segments shall establish a singular lower division general education pathway that meets the academic requirements necessary for transfer admission to the California State University and the University of California by December 31, 2023.

(2) Commencing with the fall term of the 2025–26 academic year, the singular lower division general education pathway established pursuant to paragraph (1) shall be the only lower division general education pathway used to determine academic eligibility and sufficient academic preparation for transfer admission to the California State University and the University of California.

(3) The singular lower division general education pathway established pursuant to paragraph (1) shall not lengthen the time-to-degree and shall not include more units than is required under the Intersegmental General Education Transfer Curriculum on July 31, 2021.

(c) (1) On or before August 1, 2024, where ADTs for major pathways exist, the California Community Colleges shall place students on the ADT pathway if students declare a goal of transfer on their mandatory education plans pursuant to the Seymour-Campbell Student Success Act of 2012 (Article 1 (commencing with Section 78210) of Chapter 2 of Part 48 of Division 7) and such a pathway exists for their intended major, to maximize the probability that students will transfer into a four-year postsecondary educational institution and earn a degree in their chosen field of study in a timely manner, and to minimize the accrual of excess units.

(2) A student may opt out of the ADT pathway for a local associate degree or if the student plans to apply to transfer to a University of California campus or an independent institution of higher education defined in subdivision (b) of Section 66010. Each community college shall use their existing processes for student education plans pursuant to the Seymour-Campbell Student Success Act of 2012 (Article 1 (commencing with Section 78210) of Chapter 2 of Part 48 of Division 7) and enrollments to implement the opt out feature where an ADT exists.

(3) This section shall not be construed to prohibit a student from being on the ADT pathway and also applying to transfer to a University of California campus or an independent institution of higher education defined in subdivision (b) of Section 66010.

(4) If an ADT pathway does not exist in the student's chosen major, then there is no ADT pathway on which to place the student. This subdivision does not apply to students seeking to complete a community college baccalaureate degree program or a career technical education program that does not have an ADT pathway.

(d) Funding appropriated in the Budget Act of 2021 or subsequent budget acts to support the continued implementation of a guided pathways program pursuant to the California Community College Guided Pathways Grant Program established pursuant to Part 54.81 (commencing with Section 88920) of Division 7 may be used by community colleges to implement this section. It is the intent of the Legislature that community colleges also prioritize additional funding received in the 2021–22 fiscal year or a subsequent fiscal year to assist students' success through transfer programs to the extent the activities performed pursuant to this section are not prohibited by the legislative appropriations.

(e) This section shall become operative on July 1, 2025.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.