

# **The California Online Community College Trailer Bill Language**

**The California Online Community College (Amends Education Code Sections 70900, 70901 and 72506, and adds Part 46.5 commencing with Section 75000)**

**ANNOTATED**

## **SEC 1. Amend Education Code Section 70900.**

**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 local districts shall carry out the functions specified in Section 70902, and the California Online Community College District shall carry out the functions specified in Section 75003.

## **SEC. 2. Amend Education Code Section 70901.**

**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) **The Board of Governors of the California Community Colleges shall serve as the governing board of the Online Community College District established pursuant to subdivision (c) of Section 75001 of the Education Code. Upon the establishment of an independent Board of Trustees that would serve as the governing board of the Online Community College District pursuant to Section 75006 of the Education Code, the Board of Governors of the California Community Colleges shall cease serving as the governing board of the Online Community College district. In its capacity as the governing board of the California Online Community College district, the Board of Governors of the California Community Colleges shall carry out the functions specified in Education Code Section 75003.**

Is the BOG the proper board to govern the OCC? Should the BOG directly receive Prop 98 funds for the OCC?

### **SEC. 3. Amend Education Code Section 72506.**

- 72506** (a) Action taken by any governing board of a community college district to procure insurance shall be governed by the authority of Section **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 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. Add Part 46.5 (commencing with Section 75000) is added to Division 7 of Title 3 of the Education Code.**

**Part 46.5. California Online Community College**

**75000.** This part shall be known, and maybe cited, as the California Online Community College (the College).

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

- (b) (1) According to the U.S. Census Bureau, 2011-15 American Community Survey data, there are 2.5 million Californians ages 25 to 34 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 non-public or out-of-state institutions is typically much higher—as much as seven to nine times

Do existing noncredit and online courses appreciably address this population? Would expansion of noncredit and OEI be a better investment of state funds to serve this population?

Do existing data on student success in online courses support this assertion?

Agreed.

higher per unit—than at a California community college. An affordable, high quality, and flexible public online college provides an important alternative to other non-public online education options.

Do data on the target population support the inference that they have broadband access?

- (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.

Can providing this flexibility for existing community college delivery systems achieve the same outcome? Perhaps more cost effectively?

- (c) (1) The Online Community College District (the District) is hereby established under the governance of the Board of Governors of the California Community Colleges. The District shall establish the Online Community College (the College) to fulfill the purposes of this Act, which includes the creation of an organized system of accessible, flexible, and high-quality online content, courses, and programs focused on providing credible certification, credentials, and degrees compatible with the vocational and educational needs of Californians who are not currently accessing higher education. The District and College shall be considered a district and community college within the California Community College system and the state's public system of higher education.

Would offering degrees would place the OCC in direct competition with the other 114 community colleges?

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

- (d) The College will be guided by principles and procedures established by the California Community Colleges Chancellor's Office. These guiding principles shall include:

- (1) Offering working adults additional access to affordable, quality higher education opportunities with labor market value, including program maps based on competencies leading to employment, industry recognized credentials, 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 sub-awards and badges 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 support individual student progression; providing quality onboarding of students to support their career exploration, goal-setting, educational planning, and support needs; and leveraging

Good concepts so why not make competency-based credentials, flexible calendars, and open-entry-open-exit available to the 114 CCCs?

Is there evidence that the other 114 are not doing these?

relevant technology resources where possible.

- (4) Enhancing system-wide 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 segmented by the distinct skills needs of the College such as: online instructors, course developers, assessment developers, reviewers, twenty-four hour virtual classroom support; and ensuring flexible hiring processes that emphasize use of part-time faculty with field expertise to support emerging programs and shifts in labor market demand.

Would these faculty roles and hiring processes require considerable changes to existing law? Are there other colleges effectively using these practices?

- (6) Addressing barriers faced by working adult students to access higher education, including but not 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.

How would the state pay students' prior college debts?

- (7) Aligning the College's efforts with the broader goals outlined in the California Community Colleges System's *Vision for Success*, or other strategic vision outlined by the Board of Governors of the California Community Colleges, and holding the College accountable for its students' outcomes and ensuring improved data collection on employment outcomes.

- (e) The College may collaborate and work closely with other agencies, industry partners, and experts to ensure the success of the College, including, but not limited to:

- (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 Department of Social Services, California Labor and Workforce Development Agency and the California Department of Corrections and Rehabilitation, to incorporate strategies to provide immigrants and other groups with barriers to employment, with educational opportunities.

How would the existing weak collaboration among state workforce agencies be strengthened for the OCC?

- (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.

What system would be put in place to align employer "informed" competencies with course outcomes?

- (6) California Community Colleges, to leverage their existing career technical education 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 transfer, to additional higher educational opportunities.

Would OCC degrees and transfer directly complete with OEI and the other 114 CCCs? Is this cost effective?

- (8) The College shall conduct the following activities:

- (9) 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.

(10) To ensure student success, the College shall also:

- (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.

How would existing laws and regulations need to be revised to enable credit for prior learning?

What existing assessments of prior learning have proven to be effective in leading to enhanced employment?

- (B) Supplement the Registered Apprenticeship program and the California Apprenticeship Initiative training as appropriate, and create journey-worker upskilling (training, courses, and programs) 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 and/or develop new articulation agreements or develop new ones with other California Community Colleges, the California State University, University of California and other accredited public and independent institutions to facilitate stackability into credit-bearing courses.

Would OCC be able to go beyond national accreditation (no transfer credit) to achieve regional accreditation (ACCJC) to enable transfer of credit?

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

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

- (F) Re-design transcripts in a digital, verifiable format that links coursework, badges or certificates, and competencies to track a student's entire body of learning in one document. Any re-designed transcript technology shall be a part of the integrated technology portfolio of the Chancellor's Office and made available to any California Community College.

Why not make such transcripts available to all 114 CCCs?

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

- (H) Create, license, or partner with community college faculty and other relevant organizations to develop and offer a set of high quality, openly available, and basic skills courses at no cost to students of the College. These courses shall also be made publicly available to any interested California resident.

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

(11) The College shall utilize and leverage, where appropriate, the programs and activities of the California Community Colleges Chancellor's Office, including the Online Education Initiative and Integrated Technology portfolio, the Zero-Textbook-Cost Degrees program and Open Educational Resources, and the Guided Pathways Model framework. This shall include the

following activities and practices:

(A) Organize newly developed 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 the following:

Would the fact that OEI is built on existing CCC practices (CCCApply, C-ID, etc.) be a hindrance to the OCC?

- (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 non-traditional working hours to promote student success for the focus population.
- (iii) Leverage free or low-cost, high-quality online educational materials for students through the Open Educational Resources and Zero-Textbook-Cost Degrees. 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 system-wide 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.

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

- (a) "College" means the California Online Community College established under this part.
- (b) "Chancellor's Office" means the Office of the Chancellor of the California Community Colleges.
- (c) "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.
- (d) "Guided Pathways Program" means a program that includes the activities and practices pursuant to Section 88921 of the Education Code.
- (e) "Industry" means trade associations or those firms that produce similar products or provide similar services using somewhat similar business processes.
- (f) "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.
- (g) "Start-Up Phase" means the period of time the Board of Governors and the Chancellor's Office are responsible for establishing the District and directing the College's activities. The Start-Up Phase shall run from the effective date of this section until an independent Board of Trustees is established.

**75003.**

- (a) (1) The Online Community College District established pursuant to subdivision (c) of Section 75001 shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of this district shall establish, maintain, and operate one online community college in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for

Has an assessment of such conflicts been made?

which this district is established.(2) The governing board of this district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

- (b) In furtherance of subdivision (a), the governing board of this district 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 online community college within the district. In so doing, the governing board 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 and 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 board of governors 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 district's operational and capital outlay budgets.
  - (6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.
  - (7) Establish procedures that are consistent with minimum standards 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 district and 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 Online Community College district 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 district's academic calendar, including the holidays it will observe. Notwithstanding Section 84890 of the Education Code, the district 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 governing board shall also have the flexibility to utilize an alternative definition of "Academic Year" for the purposes of Division (7) (commencing with Section 70900).
  - (13) Hold and convey property for the use and benefit of the district.
  - (14) Participate in the consultation process 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 governing board of the Online Community College district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions and may, as applicable, use a digital format, or formats.
- (d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of the community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the

Will laws related to academic senate and faculty union rights be retained?
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- (e) governing board may designate. However, the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

**75004.**

- (a) Notwithstanding Section 72000 of the Education Code, the Online Community College District and its governing board may sue and be sued, and shall act in accordance with Section 75003.
- (b) Notwithstanding Section 72000 of the Education Code, the district name shall be adopted and changed as follows:
  - (1) The first governing board of any the Online Community College district shall, at the first meeting of the board or as soon as practicable thereafter, name the district. The district shall be designated as the “Community College District.”
  - (2) The governing board of the Online Community College district may, by resolution, change the name of the district or of any of the community colleges maintained by the district. However, the name shall continue to contain the words “Community College District” or “Community College,” as appropriate.
  - (3) The name “Community College District” and the name of the online community college maintained by the Online Community College district are the property of the district. No person shall, without permission of the board, use these names, or any abbreviation of them, or any name of which these words are a part in any of the following ways:
    - (A) To designate any business, social, political, religious, or other organization, including, but not limited to, any corporation, firm, partnership, association, group, activity or enterprise.
    - (B) 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 of the California Community Colleges, or the office of the Chancellor of the California Community Colleges.
    - (C) 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.
    - (D) The provisions of this section shall not preclude the use of the name “\_ Community College” or “Community College District” by any person or organization otherwise subject to this section using the name immediately prior to the effective date of this section, so long as the name is not used in additional, different ways.
    - (E) 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.
- (c) Notwithstanding Section 72000 of the Education Code, meetings of the governing board shall be held as follows:
  - (1) Within 60 days after the establishment of the Online Community College District, the board of governors shall call an initial organizational meeting for the purposes of organizing the community college board. At the initial organizational meeting the community college board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the community college district.
  - (2) (A) The governing board of the Online Community College district shall hold an annual organizational meeting. The meeting shall be held no later than January 31 of each year.

Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting. The secretary of the board shall comply with all appropriate open meeting laws.

- (B) At the annual meeting, the governing board of the Online Community College district shall organize by electing a president and vice president, from its members, and a secretary.
- (3) Subject to this section, the governing board of the Online Community College district shall hold regular monthly meetings and shall by rule and regulation fix the time and place for its regular meetings. The action shall be given proper notice to all members of the board of the regular meetings.
- (4) All meetings of the Online Community College district's governing board shall be open and public except as otherwise provided. The board may hold executive sessions closed to the public to consider the employment of any person, or the dismissal or other form of disciplinary action to be taken against any officer or employee under the jurisdiction of the board, except where that person, officer, or employee requests a public hearing. The board may exclude from that meeting, whether public or closed to the public, during the examination of a witness, any or all other witnesses in the matter being investigated. Meetings conducted by the Online Community College district's governing board shall be subject to the requirements of Article 9 of Chapter 1, of Part 1, of Division 3, of Title 2 of the Government Code (Commencing with Section 11120) if conducted by the Board of Governors, and subject to the requirements of Article 2 of Chapter 2 of Part 45 of Division (7) (Commencing with Section 72121) if conducted by a Board of Trustees.
- (d) The governing board shall conduct its meetings as follows:
  - (1) A notice identifying the location, date, and time of the meeting shall be posted in each community college maintained by the district at least 10 days prior to the meeting and shall remain so posted to and including the time of the meeting.
  - (2) Except as otherwise provided by law, the governing board shall act by majority vote of all of the membership constituting the governing board.
  - (3) Every official action taken by the governing board of the Online Community College district shall be affirmed by a formal vote of the members of the board, and the governing board of every community college district shall keep minutes of its meetings, and shall maintain a journal of its proceedings in which shall be recorded every official act taken.

#### **75005.**

- (a) The requirements of Article 3 of Chapter 1 of Part 45 of Division (7) (Commencing with Section 72022) shall not apply to governing board of the Online Community College district or the Online Community College District.
- (b) The governing board of the Online Community College district shall be subject to the provisions of Sections 72205 and 72207 of the Education Code.
- (c) The Legislature declares that Board of Governors in carrying out its duties pursuant to Section 70901 of the Education Code Article 2 of Part 44 of Division 7 (commencing with Section 71020.5) is expressly determined to not have a conflict of interest in serving as the governing board of the Online Community College district.
- (d) Notwithstanding Chapter 1.5 of Part 48 of Division 7 (commencing with Section 78100), the governing board of the Online Community College district may instead provide access to internet based library services and materials or by contractual arrangements with other entities.
- (e) (1) Notwithstanding any other law, until an independent Board of Trustees is established to serve as the governing board of the Online Community College District pursuant to Section 75006, 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

district, including any of the district's assets, contracts, expenditures, facilities, funds, personnel, or property. If the board of governors exercises this authority, the chancellor, or the Board's designees, may appoint a Chief Executive Officer to manage the Online Community College district. Such a Chief Executive Officer shall have served in a similar capacity prior the establishment of the Online Community College district and have expertise in the development and operation of online offerings at a public or non-profit institution or shall have relevant qualifications to serve as the Chief Executive Officer of the Online Community College district. A Chief Executive Officer appointed under this subdivision shall serve at the pleasure of the governing board.

- (2) 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 Online Community College district.
  - (B) Enter into agreements on behalf of the Online Community College district.
  - (C) Appoint an advisory committee to advise the Chief Executive Officer with respect to the management of the Online Community College district. No member of the advisory committee shall receive any compensation or benefits for his or her services as a member of the advisory committee.
  - (D) 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.
- (3) 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.
- (4) Until an independent Board of Trustees has been established that would serve as the governing board of the Online Community College District pursuant to Section 75006 of the Education Code, the board of governors, or its authorized designees, may contract with the Foundation for California Community Colleges for the purpose of providing administrative support the College's start-up functions.

#### **75006.**

- (a) No later than July 1, 2025, a District Board of Trustees shall be established to assume authority from the Board of Governors for District governance.
  - (1) The governing board shall consist of five voting members and two non-voting members. Voting members shall consist of one member appointed by the Speaker of the Assembly, one member appointed by the Senate Committee on Rules, and three members appointed by the Governor. Non-voting members shall consist of two members appointed by the Governor.
  - (2) The first governing board shall consist of two voting members and one non-voting member who shall each serve a two-year term, two voting members who shall each serve a four-year term, and two voting members and one non-voting member who shall each serve a six-year term. Thereafter, each appointed member shall serve a six-year term.
  - (3) Members of the board 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.

#### **75007.**

- (a) The College shall be developed and guided by principles and procedures established by the California Community Colleges Chancellor's Office, as referenced in Section 75001.
- (b) The College shall seek accreditation and meet requirements for students to become eligible for federal and state financial aid.
- (c) In meeting the requirements of paragraph (4) of subdivision (b) of Section 75003, the Online Community College district shall initially meet and confer with representatives of its employees, and as the College becomes more established, it shall transition to collective bargaining with representatives of its employees.
- (d) The College shall be subject to the same competitive bidding and state contracting requirements that apply to the other 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 the other California community college districts.

**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 technologist to inform and evolve better teaching and student support practices.
- (e) 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 limited to, recruiting, onboarding, transcriptions, instructional experience, billing, entry into internship if applicable to the student's programs, and entry into job.
  - (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.
- (b) By July 1, 2021, the College shall be expected to, at a minimum, meet the following milestones:
  - (1) Plan to begin enrolling students by the last quarter of 2019.
  - (2) Incorporate student feedback to improve the College's instruction, technology, and student support services.
  - (3) Design and validate at least three program pathways, including coordinating the creation of new content.
  - (4) Apply for accreditation from a U.S. Department of Education-recognized accreditor.
- (c) By July 1, 2023, 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.
  - (3) Design and validate at least ten 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 of Division 7 and College Promise fee waivers authorized pursuant Article 3 (commencing with Section 76396) of Chapter 2 of Part 47 of Division 7.
- (2) Regardless of the College's fee structure, students exempt from non-resident tuition pursuant to Article 9 (commencing with Section 76140) of Chapter 1 of Part 47 of Division (7) 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 limited to:
  - (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 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 start-up 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 limited to:
- (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 Online Community College District shall be eligible to claim general apportionment funding pursuant to the formula established in pending legislation.
- (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 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 that are applicable to all other California Community Colleges. In addition, the College shall report to the Legislature and the Department of Finance on the following measures:
- (1) The College shall report on start-up milestones including the number of designed program pathways by August 1, 2019.
  - (2) The College shall report on start-up milestones, including student enrollment and the number of designed program pathways, by August 1, 2020.
  - (3) The College shall report on start-up milestones, including student enrollment, the number of designed program pathways, student outcomes, by August 1, 2021.
  - (4) The College shall report on start-up 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.
- (b) By January 1, 2026, the College shall also be assessed by an independent evaluator contracted by the College's governing board. The independent evaluator shall assess the progress of program production, relationships with industry partners, student success, and the like.