

AMENDED IN SENATE APRIL 17, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 520

Introduced by Senator Steinberg
(Principal coauthor: Assembly Member Garcia)

February 21, 2013

An act to amend Sections 78910.10 and 78910.30 of, and to add Section 66409.3 to, the Education Code, relating to student instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 520, as amended, Steinberg. Student instruction: California Online Student Access Platform.

(1) The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California Community Colleges. Private and independent postsecondary educational institutions constitute the other segment.

Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

~~Existing provisions of the Donahoe Higher Education Act establish the 9-member California Open Education Resources Council under the administration of the Intersegmental Committee of the Academic Senates of the University of California, the California State University, and the California Community Colleges, or a successor group. Existing law~~

~~requires the California Open Education Resources Council to develop a list of 50 lower division courses in the public postsecondary segments for which high-quality, affordable, digital open source textbooks and related materials are to be developed or acquired, as specified. Existing law also requires the council to review and approve developed open source materials and to promote strategies for production, access, and use of open source textbooks.~~

This bill would establish the California Online Student Access Platform under the administration of the ~~California Open Education Resources Council~~ *President of the University of California, the Chancellor of the California State University, and the Chancellor of the California Community Colleges, jointly, with the academic senates of the respective segments.* The bill would require the platform, among other things, to provide an efficient statewide mechanism for online course providers to offer transferable courses for credit and to create a pool of these online courses. The bill would require the ~~council, among other things,~~ *President of the University of California, the Chancellor of the California State University, and the Chancellor of the California Community Colleges, jointly, with the academic senates of the respective segments,* to develop a list of the 50 most impacted lower division courses, as defined, at the University of California, the California State University, and the California Community Colleges that are deemed necessary for program completion ~~or fulfilling transfer requirements,~~ or deemed satisfactory for meeting general education requirements *in areas defined as high-demand transferable lower division courses under the Intersegmental General Education Transfer Curriculum and, for each of those 50 courses, to promote the availability of multiple high-quality online course options, as specified.*

The bill would ~~establish the California Student Access Pool, through which students could access online courses, and would~~ require the online courses approved by the ~~council~~ *President of the University of California, the Chancellor of the California State University, and the Chancellor of the California Community Colleges, jointly, with the academic senates of the respective segments,* under the bill to be placed ~~in this pool~~ *the California Virtual Campus.* The bill would require that *matriculated students taking of campuses of the University of California, California State University, or California Community Colleges, and California high school pupils, who complete online courses available in the pool and achieving* developed through the platform and achieve a passing score on corresponding course examinations, be awarded full

academic credit for ~~the comparable~~ *an equivalent* course at the University of California, the California State University, or the California Community Colleges. ~~Because~~ *Colleges, as applicable.*

The bill would provide that funding for the implementation of this provision would be provided in the annual Budget Act, and express the intent of the Legislature that the receipt of funding by the University of California for the implementation of this provision be contingent on its compliance with its requirements. Because this provision would require community colleges to award academic credit under these circumstances, it would constitute a state-mandated local program.

(2) Existing law, until January 1, 2014, establishes the California Virtual Campus to facilitate ongoing collaboration and joint efforts relating to the use of technology resources and high-speed Internet connectivity to support teaching, learning, workforce development, and research. Existing law, until January 1, 2014, authorizes the California Virtual Campus grant recipient to convene at least 4 leadership stakeholder group meetings annually comprised of representatives from the State Department of Education, the California Technology Assistance Project, and other related programs administered through the department, including adult education, local education agencies, the California Community Colleges, the California State University, the University of California, independent colleges and universities, the California State Library, and representatives from community-based organizations to ensure the efforts affecting segments represented are appropriately meeting the needs of those segments.

This bill would extend the provisions establishing the California Virtual Campus until January 1, 2017. This bill would require the representatives in the stakeholder group meetings from the California Community Colleges, the California State University, and the University of California to include, but not be limited to, faculty members from these institutions. This bill would make additional nonsubstantive changes in these provisions. By requiring faculty members from community college districts to attend these meetings, this bill would impose a state-mandated local program.

(3) 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 these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In recent years, California's public higher education
4 institutions have faced skyrocketing demand for enrollment at a
5 time when they lack capacity to provide students with access to
6 courses necessary for program completion and success.

7 (b) In the 2012–13 academic year, 85 percent of California
8 Community Colleges (CCC) reported having waiting lists for their
9 fall 2012 course sections, with a statewide average of more than
10 7,000 students on waiting lists per college.

11 (c) Similarly, impacted courses have contributed significantly
12 to difficulties within the University of California (UC) and
13 California State University (CSU) systems, with figures indicating
14 that only 60 percent and 16 percent of students, respectively, are
15 able to earn a degree within four years, with lack of access to key
16 courses a factor in increased time-to-degree.

17 (d) With rapidly developing innovation in online course delivery
18 models, California's public institutions of higher education have
19 a unique opportunity to meet critical demands for enrollment and
20 reduce time-to-degree by providing students with access to
21 high-quality, alternative, online pathways to successfully complete
22 and obtain credit for the most impacted lower division courses.

23 (e) California could significantly benefit from a statutorily
24 enacted, quality-first, faculty-led framework *that increases*
25 *partnerships between faculty and online course technology*
26 *providers aimed at allowing students in—online courses in*
27 *strategically selected lower division majors and general education*
28 *fields to be awarded areas to take online courses for credit at the*
29 *UC, CSU, and CCC systems. While providing easy access to these*
30 *courses, these systems could also continually assess the value of*
31 *the courses and the rates of student success in utilizing these*
32 *alternative online pathways.*

1 SEC. 2. Section 66409.3 is added to the Education Code, to
2 read:

3 66409.3. (a) The California Online Student Access Platform
4 is hereby established. The platform shall be *developed and*
5 *administered by the California Open Education Resources Council*
6 *established pursuant to Section 66409. President of the University*
7 *of California, the Chancellor of the California State University,*
8 *and the Chancellor of the California Community Colleges, jointly,*
9 *with the academic senates of the respective segments. As used in*
10 *this section, “platform” means the California Online Student*
11 *Access Platform established by this section.*

12 (b) The platform shall *solicit, develop, and promote appropriate*
13 *partnerships between online course providers and faculty members*
14 *of the University of California, California State University, and*
15 *the California Community Colleges for the development and*
16 *deployment of high-quality online options for strategically selected*
17 *lower division courses. The platform shall accomplish all of the*
18 *following objectives:*

19 (1) Provide an efficient statewide mechanism for online course
20 providers, *in partnership with faculty members of the University*
21 *of California, the California State University, and the California*
22 *Community Colleges, to offer transferable courses for credit.*

23 (2) Create a pool of approved and transferable online courses
24 for credit through which students seeking to enroll may easily
25 access those courses and related content.

26 (3) Provide a faculty-led process that places the highest priority
27 on educational quality through which online courses can be
28 subjected to high-quality standards and review.

29 (4) Allow the state, the public, students, faculty, and other
30 stakeholders to examine student success rates within the platform.

31 (c) For purposes of accomplishing all of the objectives of the
32 platform as specified in subdivision (b), ~~the California Open~~
33 ~~Education Resources Council~~ *President of the University of*
34 *California, the Chancellor of the California State University, and*
35 *the Chancellor of the California Community Colleges, jointly, with*
36 *the academic senates of the respective segments, shall do all of*
37 *the following:*

38 (1) (A) Develop a list of the 50 most impacted lower division
39 courses at the University of California, the California State
40 University, and the California Community Colleges that are

1 deemed necessary for program completion ~~or fulfilling transfer~~
 2 ~~requirements~~, or deemed satisfactory for meeting general education
 3 ~~requirements~~. *requirements, in areas defined as high-demand*
 4 *transferable lower division courses under the Intersegmental*
 5 *General Education Transfer Curriculum.*

6 (B) For purposes of this paragraph, “impacted lower division
 7 course” means a course in which, during most academic terms,
 8 the number of students seeking to enroll in the course exceeds the
 9 number of spaces available in the course.

10 (2) (A) *For each of the 50 courses identified under paragraph*
 11 *(1), solicit and promote appropriate partnerships between online*
 12 *course technology providers and faculty of the University of*
 13 *California, California State University, and California Community*
 14 *Colleges which, by the fall term of the 2014–15 academic year,*
 15 *shall result in the availability of multiple high-quality online course*
 16 *options in which students may enroll in that term.*

17 (B) *An online course developed pursuant to this paragraph shall*
 18 *be deemed to meet the lower division transfer and degree*
 19 *requirements for the University of California, the California State*
 20 *University, and the California Community Colleges.*

21 ~~(2)~~

22 (3) Create and administer a standardized review and approval
 23 process for online courses in which most or all course instruction
 24 is delivered online ~~and is open to any interested person. When~~
 25 ~~reviewing~~ *for matriculated students of the University of*
 26 *California, California State University, and California Community*
 27 *Colleges, or for California high school pupils. No course shall be*
 28 *approved for purposes of this section unless the course has*
 29 *associated with it a faculty sponsor who is a member of the faculty*
 30 *of the University of California, the California State University, or*
 31 *the California Community Colleges.*

32 (4) ~~When online courses for purposes of are reviewed pursuant~~
 33 ~~to this section, the council shall, at a minimum, consider the extent~~
 34 ~~to which each course does any of the following shall be considered:~~

35 (A) Provides students with instructional support and related
 36 services to promote retention and success.

37 (B) Provides students with interaction with instructors and other
 38 students.

1 (C) Contains a proctored student assessment and examination
2 process that ensures academic integrity and satisfactorily measures
3 student learning.

4 (D) Provides a student with an opportunity to assess the extent
5 to which he or she is suited for online learning prior to enrolling.

6 (E) Utilizes, as the primary course text or as a wholly acceptable
7 alternative, content, where it exists, from the California Digital
8 Open Source Library established pursuant to Section 66408.

9 (F) Includes adaptive learning technology systems or comparable
10 technologies that can provide significant improvement in the
11 learning of students.

12 ~~(G) Includes content that has been reviewed and recommended~~
13 ~~by the American Council on Education.~~

14 ~~(3)~~

15 (5) Regularly solicit and consider from each of the respective
16 statewide student associations of the University of California, the
17 California State University, and the California Community
18 Colleges, advice and guidance on implementation of the platform.

19 ~~(4)~~

20 (6) Collect, review, and make public data and other information
21 related to student success within the platform by gathering and
22 reporting data on accepted student success metrics, including, but
23 not necessarily limited to, student enrollment in approved online
24 courses through the platform, and student retention and completion
25 rates.

26 ~~(5)~~

27 (7) Utilize the state's current common course numbering system
28 for approved courses so as to simplify the identification and
29 articulation of comparable courses.

30 ~~(d) Online courses approved by the California Open Education~~
31 ~~Resources Council through the platform pursuant to this section~~
32 ~~shall be placed in the California Student Access Course Pool,~~
33 ~~which is hereby created Virtual Campus, through which students~~
34 ~~may access the courses. Students taking~~ *A matriculated student of*
35 *a campus of the University of California, California State*
36 *University, or California Community Colleges, or a California*
37 *high school pupil, who completes an online course available in*
38 ~~the California Student Access Course Pool and achieving developed~~
39 ~~through the platform and achieves a passing score on the~~
40 *corresponding course examination shall be awarded full academic*

1 credit for ~~the comparable~~ *an equivalent* course at the University
2 of California, the California State University, or the California
3 Community Colleges, *as applicable*.

4 *(e) Funding for the implementation of this section shall be*
5 *provided in the annual Budget Act. It is the intent of the Legislature*
6 *that, notwithstanding Section 67400, the receipt of funding by the*
7 *University of California for the implementation of this section be*
8 *contingent on its compliance with the requirements of this section.*

9 SEC. 3. Section 78910.10 of the Education Code is amended
10 to read:

11 78910.10. (a) (1) The California Virtual Campus, pursuant
12 to funding provided to the Board of Governors of the California
13 Community Colleges for this purpose in the annual Budget Act,
14 may pursue all of the following purposes, to the extent funding is
15 available:

16 (A) To enrich formal and informal educational experiences and
17 improve students' academic performance by supporting the
18 development of highly engaging, research-based innovations in
19 teaching and learning in K–12 public schools and the California
20 Community Colleges, the California State University, and the
21 University of California.

22 (B) To enhance the awareness of, and access to, highly engaging
23 online courses of study, emphasizing courses of study that support
24 a diverse and highly skilled science, technology, engineering, and
25 mathematics workforce.

26 (C) To support education research, the implementation of
27 research-based practices, and promote economic development
28 through the use of next generation advanced network infrastructure,
29 services, and network technologies that enable collaboration and
30 resource sharing between formal and informal educators in K–12
31 public schools, the California Community Colleges, the California
32 State University, the University of California, independent colleges
33 and universities, public libraries, and community-based
34 organizations at locations across the state.

35 (D) To increase access to next generation Internet services, 21st
36 century workforce development programs, and e-government
37 services for students and staff served or employed by education
38 entities and students served primarily online through partnerships
39 with public libraries and community-based organizations.

1 (E) To enhance access to health care education and training
2 programs to current or future health care workers.

3 (F) To manage digital assets and develop contracts for services
4 necessary to provide the technical and management support needed
5 to maximize the benefits of the high-speed, high-bandwidth
6 network infrastructure available to public higher education entities
7 in California.

8 (G) Through the aggregation of demand for network enabled
9 technologies and related services from public education entities,
10 and through partnerships with the private sector, to provide
11 education entities with access to technical support and staff who
12 can facilitate statewide efforts that support innovations in teaching
13 and learning that are necessary to provide for a well-educated
14 citizenry, and economic and 21st century workforce development.

15 (2) To accomplish the purposes of paragraph (1), the California
16 Virtual Campus may partner with local educational agencies, the
17 State Department of Education, the 11 regional California
18 Technology Assistance Projects, the California Community
19 Colleges, the California State University, the University of
20 California, independent colleges and universities, public libraries,
21 and community-based organizations to facilitate ongoing
22 collaboration and joint efforts relating to the use of technology
23 resources and high-speed Internet connectivity to support teaching,
24 learning, workforce development, and research.

25 (3) Efforts conducted as a result of this chapter shall not prohibit
26 or otherwise exclude the ability of existing or new educational
27 technology programs from being developed, expanded, or
28 enhanced.

29 (b) For purposes of this article, the following terms have the
30 following meanings:

31 (1) “Online courses of study” means any of the following:

32 (A) Online teaching, learning, and research resources, including,
33 but not necessarily limited to, books, course materials, video
34 materials, interactive lessons, tests, or software, the copyrights of
35 which have expired, or have been released with an intellectual
36 property license that permits their free use or repurposing by others
37 without the permission of the original authors or creators of the
38 learning materials or resources.

1 (B) Professional development opportunities for formal and
2 informal educators who desire to use the resources in subparagraph
3 (A).

4 (C) Online instruction.

5 (2) “Online instruction” means technology enabled online real
6 time (synchronous) interaction between the instructor and the
7 student, near time (asynchronous) interaction between the instructor
8 and the student, or any combination thereof.

9 (c) The California Virtual Campus grant recipient may
10 accomplish all of the following:

11 (1) Convene at least four leadership stakeholder group meetings
12 annually composed of representatives from the State Department
13 of Education, the California Technology Assistance Project, and
14 other related programs administered through the department,
15 including adult education, local education agencies, the California
16 Community Colleges, the California State University, the
17 University of California, independent colleges and universities,
18 the California State Library, and representatives from
19 community-based organizations to ensure the efforts affecting
20 segments represented are appropriately meeting the needs of those
21 segments. The leadership stakeholder group shall also coordinate
22 and obtain assistance with the implementation of efforts delineated
23 in this article, to identify and maintain an up-to-date list of the
24 technology resources and tools that are necessary to support
25 innovation in teaching and learning, and to identify opportunities
26 for leveraging resources and expertise for meeting those needs in
27 an efficient and cost-effective manner. For purposes of this
28 paragraph, the representatives from the California Community
29 Colleges, the California State University, and the University of
30 California shall include, but not be limited to, faculty members
31 from these institutions.

32 (2) Lead efforts to make online courses of study available across
33 the state that include, but are not limited to, the following:

34 (A) Developing online courses of study that are pedagogically
35 sound and fully accessible, in compliance with the federal
36 Americans with Disabilities Act (Public Law 101-336), by students
37 with varying learning styles and disabilities.

38 (i) The development of K–12 online courses pursuant to this
39 subparagraph shall be achieved in partnership with local education
40 agencies and the California Technology Assistance Project.

1 (ii) Online courses developed for grades K–12 pursuant to this
2 subparagraph shall be aligned to the California academic content
3 standards and guidelines for online courses.

4 (B) Overseeing the development of at least 12 model online
5 courses of study that, collectively, would allow students to meet
6 the requirements of the Intersegmental General Education Transfer
7 Curriculum (IGETC) and at least two courses that support basic
8 skills education courses in English, English as a second language,
9 or mathematics.

10 (C) Encouraging the entities listed in paragraph (1) to do both
11 of the following:

12 (i) Make accessible to each other their courses of study that are
13 funded by the state.

14 (ii) Allow their courses of study to be accessible to the general
15 public if they determine access would not inhibit their ability to
16 provide appropriate protection of the state’s intellectual property
17 rights.

18 (3) Ensure that the learning objects created as part of the
19 California Virtual Campus online courses of study with state
20 General Fund revenues are linked to digital content libraries that
21 include information about course content freely available to
22 California educators and students.

23 (4) Develop formal partnership agreements between the entities
24 listed in paragraph (1) and the California Virtual Campus, including
25 course articulation agreements that allow qualified high school
26 students to accelerate the completion of requirements for a high
27 school diploma and a two-year or four-year degree and agreements
28 that provide opportunities for part-time faculty teaching online to
29 obtain full-time employment teaching online.

30 (5) Develop formal partnership agreements with the entities
31 listed in paragraph (1) and others to enhance access to professional
32 development courses that introduce faculty, teachers, staff, and
33 college course developers to the conceptual development, creation,
34 and production methodologies that underlie the development of
35 online courses of study and support students’ successful completion
36 of those courses. The professional development opportunities may
37 include, but not necessarily be limited to, all of the following:

38 (A) Addressing issues relating to copyright, permission for the
39 use or reuse of material, use of resources in the public domain,
40 and other intellectual property concepts.

1 (B) Accessibility for students with disabilities.

2 (C) Factors to ensure that content is culturally relevant to a
3 diverse student body.

4 (D) Delivery options that incorporate multiple learning styles
5 and strategies.

6 (6) Develop formal partnership agreements with entities,
7 including, but not limited to, those listed in paragraph (1), to ensure
8 access to online professional learning communities that incorporate
9 the use of Internet-based collaboration tools and to support joint
10 discussions between K–12 educators, higher education faculty and
11 staff, and others to examine student performance data, student
12 learning objectives, curriculum, and other issues that relate to
13 students' academic success and preparation for the workforce.

14 (7) In partnership with entities, including those listed in
15 paragraph (1), develop an e-portfolio system that allows
16 participating students to demonstrate their attainment of academic
17 learning objectives, skills and knowledge that relate to their career
18 interests, and completion of prerequisites for participation in
19 courses or training programs. The e-portfolio system may do all
20 of the following:

21 (A) Ensure that student privacy is protected in accordance with
22 existing law.

23 (B) Comply with accessibility laws for students with disabilities.

24 (C) Be designed in a manner that supports the use of e-portfolio
25 content in the accreditation requirements of schools, colleges, and
26 universities.

27 (8) In partnership with entities, including those listed in
28 paragraph (1), identify opportunities to enhance students' access
29 to medical education and medical services through the use of
30 high-speed Internet connections to the campuses, and opportunities
31 for education programs and services to support the telehealth efforts
32 taking place within the state.

33 (d) The lead agency for the California Virtual Campus, in
34 consultation with the leadership stakeholder group described in
35 paragraph (1) of subdivision (c) if that group is convened by the
36 California Virtual Campus grant recipient, shall contract with an
37 independent third party with expertise in online teaching, learning,
38 and the development of online courses of study, as approved by
39 the board, to evaluate the California Virtual Campus. The
40 evaluation shall include, but not be limited to, an assessment of

1 the number of faculty, teachers, consortia, informal educators, and
2 students that use the online courses of study, the quality of students'
3 experiences, student grades earned, and the cost of the online
4 course content, comparing the online course content with traditional
5 textbooks. The board may require additional information that it
6 determines to be necessary to evaluate the effectiveness and
7 viability of the California Virtual Campus. This evaluation shall
8 be submitted to the Legislature no later than three years after the
9 enactment of this act.

10 SEC. 4. Section 78910.30 of the Education Code is amended
11 to read:

12 78910.30. This article shall remain in effect until January 1,
13 2017, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, 2017, deletes or extends that date.

15 SEC. 5. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.