

AMENDED IN SENATE APRIL 25, 2013

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.

This bill would establish the California Online Student Access Platform under the administration of the 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 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~~ deemed satisfactory for meeting general education requirements, *or* 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.~~ *For these causes, the bill would require the president, chancellors, and senates to jointly facilitate certain intersegmental and intrasegmental partnerships and partnerships between online course technology providers and faculty of the University of California, the California State University, and the California Community Colleges, as a method to achieve the goal of significantly increasing online course options, as specified options for students for the fall term of the 2014—15 academic year.*

The bill would require the online courses approved ~~by the 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~~ *through the platform* to be placed in the California Virtual Campus. The bill would require that matriculated students of campuses of the University of California, California State University, or California Community Colleges, and California high school pupils, who complete online courses developed through the platform and achieve a passing score on corresponding course examinations, be awarded full academic credit for an equivalent course at the University of California, the California State University, or the California Community 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~~

The bill would prohibit public funds from being used to fund any private aspect of a partnership developed under the bill between faculty of the University of California, California State University, or the California Community Colleges and an online course technology provider. This bill would provide that the state would retain all appropriate rights to intellectual property it creates or develops in the implementation of the bill.

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 strategically selected lower
27 division areas to take online courses for credit at the UC, CSU,
28 and CCC systems. While providing easy access to these courses,
29 these systems could also continually assess the value of the courses
30 and the rates of student success in utilizing these alternative online
31 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 is
4 hereby established. The platform shall be developed and
5 administered by the President of the University of California, the
6 Chancellor of the California State University, and the Chancellor
7 of the California Community Colleges, jointly, with the academic
8 senates of the respective segments. As used in this section,
9 “platform” means the California Online Student Access Platform
10 established by this section.

11 (b) The platform shall ~~solicit, develop, and promote~~ *facilitate*
12 *appropriate partnerships including, but not necessarily limited to,*
13 *intersegmental and intrasegmental partnerships developed*
14 *pursuant to Section 66950 and partnerships* between online course
15 providers and faculty members of the University of California,
16 California State University, and the California Community Colleges
17 for the development and deployment of high-quality online options
18 for strategically selected lower division courses. The platform shall
19 accomplish all of the following objectives:

20 (1) ~~Provide an efficient statewide mechanism for online course~~
21 ~~providers, in partnership with~~ *facilitation of intersegmental and*
22 *intrasegmental partnerships developed pursuant to Section 66950*
23 *and appropriate partnerships between* faculty members of the
24 University of California, the California State University, and the
25 California Community Colleges, *and online course technology*
26 *providers* to offer transferable courses for credit.

27 (2) Create a pool of *up to 50* approved and transferable online
28 courses for credit through which students seeking to enroll may
29 easily access those courses and related content.

30 (3) Provide a *state-level* faculty-led process that places the
31 highest priority on educational quality through which online
32 courses can be subjected to high-quality standards and review.

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

35 (c) For purposes of accomplishing all of the objectives of the
36 platform as specified in subdivision (b), the President of the
37 University of California, the Chancellor of the California State
38 University, and the Chancellor of the California Community
39 Colleges, jointly, with the academic senates of the respective
40 segments, shall do all of the following:

1 (1) (A) Develop a list of the 50 most impacted lower division
 2 courses at the University of California, the California State
 3 University, and the California Community Colleges that are
 4 deemed necessary for program completion, ~~or~~ deemed satisfactory
 5 for meeting general education requirements, *or* in areas defined
 6 as high-demand transferable lower division courses under the
 7 Intersegmental General Education Transfer Curriculum.

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

12 (2) ~~(A) For each of the 50 courses~~ *For any of the courses that*
 13 *meet the criteria identified under paragraph (1), solicit and promote*
 14 *appropriate facilitate partnerships, including, but not necessarily*
 15 *limited to, intersegmental and intrasegmental partnerships*
 16 *developed pursuant to Section 66950 and partnerships between*
 17 *online course technology providers and faculty of the University*
 18 *of California, the California State University, and the California*
 19 *Community Colleges* ~~which, by~~ *with the goal of significantly*
 20 *increasing online course options for students for the fall term of*
 21 *the 2014–15 academic year, shall result in the availability of*
 22 *multiple high-quality online course options in which students may*
 23 *enroll in that term. year.*

24 ~~(B) An online course developed pursuant to this paragraph shall~~
 25 ~~be deemed to meet the lower division transfer and degree~~
 26 ~~requirements for the University of California, the California State~~
 27 ~~University, and the California Community Colleges.~~

28 (3) Create and administer a standardized review and approval
 29 process for online courses ~~in which most or all course instruction~~
 30 ~~is delivered online~~ *developed pursuant to paragraph (2) for*
 31 *matriculated students of the University of California, California*
 32 *State University, and California Community Colleges,* ~~or~~ *and for*
 33 *California high school pupils. No course shall be approved for*
 34 *purposes of this section unless the course has associated with it a*
 35 *faculty sponsor who is a member of the faculty of the University*
 36 *of California, the California State University, or the California*
 37 *Community Colleges and is approved by the academic senate of*
 38 *the appropriate segment. An online course developed pursuant to*
 39 *this paragraph shall be deemed to meet the lower division transfer*
 40 *and degree requirements for the University of California, the*

1 *California State University, and the California Community*
2 *Colleges.*

3 (4) When online courses are reviewed pursuant to this section,
4 at a minimum, the extent to which each course does the following
5 shall be considered:

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

8 (B) Provides students with interaction with instructors and other
9 students.

10 (C) Contains a proctored student assessment and examination
11 process that ensures academic integrity and satisfactorily measures
12 student learning.

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

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

18 (F) Includes adaptive learning technology systems or comparable
19 technologies that can provide significant improvement in the
20 learning of students.

21 (5) Regularly ~~solicit and consider~~ *solicits* from each of the
22 respective statewide student associations of the University of
23 California, the California State University, and the California
24 Community Colleges, *and considers*, advice and guidance on
25 implementation of the platform.

26 (6) Collect, review, and make public data and other information
27 related to student success within the platform by gathering and
28 reporting data on accepted student success metrics, including, but
29 not necessarily limited to, student enrollment in approved online
30 courses through the platform, and student retention and completion
31 rates.

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

35 (d) Online courses *approved* through the platform pursuant to
36 this section shall be placed in the California Virtual Campus,
37 through which students may access the courses. A matriculated
38 student of a campus of the University of California, California
39 State University, or California Community Colleges, or a California
40 high school pupil, who completes an online course developed

1 through the platform and achieves a passing score on the
2 corresponding course examination shall be awarded full academic
3 credit for an equivalent course at the University of California, the
4 California State University, or the California Community Colleges,
5 as applicable.

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

11 (f) *No public funds shall be used to fund any private aspect of*
12 *a partnership developed pursuant to this section between faculty*
13 *of the University of California, the California State University, or*
14 *the California Community Colleges and an online course*
15 *technology provider.*

16 (g) *The state shall retain all appropriate rights to intellectual*
17 *property it creates or develops in the implementation of this*
18 *section.*

19 SEC. 3. Section 78910.10 of the Education Code is amended
20 to read:

21 78910.10. (a) (1) The California Virtual Campus, pursuant
22 to funding provided to the Board of Governors of the California
23 Community Colleges for this purpose in the annual Budget Act,
24 may pursue all of the following purposes, to the extent funding is
25 available:

26 (A) To enrich formal and informal educational experiences and
27 improve students' academic performance by supporting the
28 development of highly engaging, research-based innovations in
29 teaching and learning in K–12 public schools and the California
30 Community Colleges, the California State University, and the
31 University of California.

32 (B) To enhance the awareness of, and access to, highly engaging
33 online courses of study, emphasizing courses of study that support
34 a diverse and highly skilled science, technology, engineering, and
35 mathematics workforce.

36 (C) To support education research, the implementation of
37 research-based practices, and promote economic development
38 through the use of next generation advanced network infrastructure,
39 services, and network technologies that enable collaboration and
40 resource sharing between formal and informal educators in K–12

1 public schools, the California Community Colleges, the California
2 State University, the University of California, independent colleges
3 and universities, public libraries, and community-based
4 organizations at locations across the state.

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

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

12 (F) To manage digital assets and develop contracts for services
13 necessary to provide the technical and management support needed
14 to maximize the benefits of the high-speed, high-bandwidth
15 network infrastructure available to public higher education entities
16 in California.

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

24 (2) To accomplish the purposes of paragraph (1), the California
25 Virtual Campus may partner with local educational agencies, the
26 State Department of Education, the 11 regional California
27 Technology Assistance Projects, the California Community
28 Colleges, the California State University, the University of
29 California, independent colleges and universities, public libraries,
30 and community-based organizations to facilitate ongoing
31 collaboration and joint efforts relating to the use of technology
32 resources and high-speed Internet connectivity to support teaching,
33 learning, workforce development, and research.

34 (3) Efforts conducted as a result of this chapter shall not prohibit
35 or otherwise exclude the ability of existing or new educational
36 technology programs from being developed, expanded, or
37 enhanced.

38 (b) For purposes of this article, the following terms have the
39 following meanings:

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

1 (A) Online teaching, learning, and research resources, including,
2 but not necessarily limited to, books, course materials, video
3 materials, interactive lessons, tests, or software, the copyrights of
4 which have expired, or have been released with an intellectual
5 property license that permits their free use or repurposing by others
6 without the permission of the original authors or creators of the
7 learning materials or resources.

8 (B) Professional development opportunities for formal and
9 informal educators who desire to use the resources in subparagraph
10 (A).

11 (C) Online instruction.

12 (2) “Online instruction” means technology enabled online real
13 time (synchronous) interaction between the instructor and the
14 student, near time (asynchronous) interaction between the instructor
15 and the student, or any combination thereof.

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

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

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

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

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

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

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

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

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

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

25 (3) Ensure that the learning objects created as part of the
26 California Virtual Campus online courses of study with state
27 General Fund revenues are linked to digital content libraries that
28 include information about course content freely available to
29 California educators and students.

30 (4) Develop formal partnership agreements between the entities
31 listed in paragraph (1) and the California Virtual Campus, including
32 course articulation agreements that allow qualified high school
33 students to accelerate the completion of requirements for a high
34 school diploma and a two-year or four-year degree and agreements
35 that provide opportunities for part-time faculty teaching online to
36 obtain full-time employment teaching online.

37 (5) Develop formal partnership agreements with the entities
38 listed in paragraph (1) and others to enhance access to professional
39 development courses that introduce faculty, teachers, staff, and
40 college course developers to the conceptual development, creation,

1 and production methodologies that underlie the development of
2 online courses of study and support students' successful completion
3 of those courses. The professional development opportunities may
4 include, but not necessarily be limited to, all of the following:

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

8 (B) Accessibility for students with disabilities.

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

11 (D) Delivery options that incorporate multiple learning styles
12 and strategies.

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

21 (7) In partnership with entities, including those listed in
22 paragraph (1), develop an e-portfolio system that allows
23 participating students to demonstrate their attainment of academic
24 learning objectives, skills and knowledge that relate to their career
25 interests, and completion of prerequisites for participation in
26 courses or training programs. The e-portfolio system may do all
27 of the following:

28 (A) Ensure that student privacy is protected in accordance with
29 existing law.

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

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

34 (8) In partnership with entities, including those listed in
35 paragraph (1), identify opportunities to enhance students' access
36 to medical education and medical services through the use of
37 high-speed Internet connections to the campuses, and opportunities
38 for education programs and services to support the telehealth efforts
39 taking place within the state.

1 (d) The lead agency for the California Virtual Campus, in
2 consultation with the leadership stakeholder group described in
3 paragraph (1) of subdivision (c) if that group is convened by the
4 California Virtual Campus grant recipient, shall contract with an
5 independent third party with expertise in online teaching, learning,
6 and the development of online courses of study, as approved by
7 the board, to evaluate the California Virtual Campus. The
8 evaluation shall include, but not be limited to, an assessment of
9 the number of faculty, teachers, consortia, informal educators, and
10 students that use the online courses of study, the quality of students'
11 experiences, student grades earned, and the cost of the online
12 course content, comparing the online course content with traditional
13 textbooks. The board may require additional information that it
14 determines to be necessary to evaluate the effectiveness and
15 viability of the California Virtual Campus. This evaluation shall
16 be submitted to the Legislature no later than three years after the
17 enactment of this act.

18 SEC. 4. Section 78910.30 of the Education Code is amended
19 to read:

20 78910.30. This article shall remain in effect until January 1,
21 2017, and as of that date is repealed, unless a later enacted statute,
22 that is enacted before January 1, 2017, deletes or extends that date.

23 SEC. 5. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.