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October 7, 2019

Honorable Anthony Rendon  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

Honorable Toni Atkins  
Senate President Pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814

Honorable Connie Leyva, Chair  
Senate Education Committee  
State Capitol, Room 2083  
Sacramento, CA 95814

Honorable Jose Medina, Chair  
Assembly Higher Education Committee  
1020 N Street, Room 173  
Sacramento, CA 95814

Honorable Holly Mitchell, Chair  
Senate Budget Committee  
State Capitol, Room 5019  
Sacramento, CA 95814

Honorable Phil Ting, Chair  
Assembly Budget Committee  
State Capitol, Room 6026  
Sacramento, CA 95814

**RE: Calbright Community College’s Duplication of Programs**

In light of the “Calbright Community College New Program Non-Duplication Notice” issued by the California Community Colleges Chancellor’s Office on September 30, 2019, the Academic Senate for California Community Colleges (ASCCC) is once again compelled to convey our deep concern with the trajectory that Calbright has taken. The three programs currently planned for Calbright do indeed duplicate existing programs offered by established, accredited California community colleges. Furthermore, the method through which the programs are offered is not unique to Calbright, and Calbright has chosen to ignore explicit statutory requirements of the California Online Community College Act, including the use of the Online Education Initiative’s course management system, Canvas.

The ASCCC has acted in good faith to support and develop the online college by providing faculty to serve regarding all academic and professional matters the new Calbright District may require. In spite of this cooperative relationship, repeated attempts to dialogue about duplication have done little to clarify the issue of duplication of programs. In our August 5 correspondence, the ASCCC requested the intervention of the legislature to clarify these issues and agreed that the trajectory of offering noncredit courses via contract education to the initial cohort of students provided time for the legislature to clarify these concerns. However, recent assertions that minimal lag time can exist between cohort one and cohort two in enrollment and aspirations to broaden Calbright’s service beyond noncredit contract education with specific statewide employers lend urgency to our initial request.

Furthermore, the recent certification of nonduplication—as required by California Education Code §75001(f)—by the Chancellor’s Office in its Sept. 30 correspondence has compelled the ASCCC to respond more directly than we might have otherwise felt was warranted. With the limited enrollment model proffered initially through contract education with statewide employers, less urgency seemed necessary regarding the

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programs selected, and the endeavor could be thought of as an experiment to perfect broader access. With contract education, official program certification is not required. However, the request by Calbright for the Chancellor's Office to certify these three programs implies that the intent is to offer programs beyond contract education in the very near future.

Faculty across the state have understood that the restriction on duplication was intended to prevent Calbright from being in direct competition with the existing California community colleges. As all 114 colleges currently have extensive online offerings and comprehensive support structures, online and in person, to assist students in attaining their goals, the introduction of a fully online entity has no viable rationale unless it offers credentials that are not presently available to community college students.

The Non-Duplication Notice published by the Chancellor's Office on September 30 presents overarching methods of delivery that apply to all three of Calbright's duplicated programs. The Chancellor's Office asserts that "the combination of the new Calbright programs' design elements . . . establish that the programs are not duplicative." This conclusion does not meet the clear and specific requirements of the California Online Community College Act nor Title 5 of the California Code of Regulations. Even if the design elements were original, the logic presented by the Chancellor's Office would allow Calbright to establish a program in any educational discipline and claim that is not duplicative—not only in career-technical education, but also in sciences, liberal arts, and all other areas. If the only requirement to avoid duplication was the method of course delivery and program content was completely irrelevant, Calbright would be free to offer programs in any discipline. The Chancellor's Office assertion is even further flawed, as the program design elements listed in the Non-Duplication Notice all currently exist at community colleges throughout the state. Established California community colleges offer the planned Calbright programs as fully online as well, and in some cases as noncredit, competency-based programs with flexible start and stop times and through the statewide online platform that has been adopted by all of the colleges. Thus, the programs themselves duplicate existing programs within our system, as do the program design elements. This free rein for Calbright to offer programs that already exist in the community college system does not match the ASCCC's understanding of the intent of the legislature.

As the ASCCC indicated in our August 5 letter to the legislature, noncredit programs in the California Community Colleges are competency-based in nature and allow for self-paced learning. Apprenticeship opportunities exist throughout our system. Canvas is the statewide online platform that the majority of the California community colleges use and which the Education Code directs Calbright to use, as Canvas is the "technological infrastructure" of the California Virtual College Online Education Initiative. Calbright instead chose to utilize a different online platform, the Strut Course Management System, making Calbright almost the only college in the system not to use Canvas despite being the only entity that statute dictates must use it.

Furthermore, the regional accreditation standards for California's community colleges require that the achievement of competencies is an element in career technical education programs. (ACCJC Standard II.A.14). Graduates completing career-technical certificates and degrees demonstrate technical and professional competencies that meet employment standards and other applicable standards and preparation for external licensure and certification. In addition, a recent funding opportunity that focused on expanding the availability of online career-technical education opportunities has resulted in

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many colleges improving and expanding upon their career-technical educational programs in these three areas. Calbright's focus is therefore in direct competition with local efforts to serve the same populations using the same methods to offer the same curriculum.

The Chancellor's Office has "concluded that the combination of the new Calbright programs' design elements involving competency-based learning, asynchronous self-paced learning, applied learning, and statewide online platform, establish that programs are not duplicative of programs offered at other community colleges." This conclusion simply indicates that the duplicated programs abide by other requirements of the California Online Community College Act. To a great extent, California Education Code dictates that the programs be delivered in the manner described in the quotation above, as §75001(b)(1) requires that Calbright's offerings be competency-based, §75001(b)(2) requires that Calbright provide "flexible course scheduling, start and stop-off times," and §75001(d)(2)(A) requires applied learning. Essentially, the Chancellor's Office distinction of how the programs are not duplicative argues that because Calbright's programs have been designed to meet other individual requirements of the California Online Community College Act, these design elements taken together would make any program Calbright should choose to offer non-duplicative of existing online programs in the community college system. The ASCCC does not share this reading of the Education Code, nor is it consistent with the definition of a program as established by Title 5 of the California Code of Regulations.

California Code of Regulations Title 5 defines an "educational program" as "an organized sequence of courses leading to a defined objective, a degree, a certificate, a diploma, a license, or transfer to another institution of higher education" (§55000(m)). In order for a program to be "non-duplicative," the program must consist of unique content, regardless of how that content is delivered. Any program that currently exists at any community college, regardless of mode of delivery, would be a duplicative program. Calbright is currently planning to offer programs in medical coding for professional services, introduction to information technology support, and introduction to cybersecurity. All three of these programs duplicate existing programs. Medical coding, a wide range of information technology programs, and cybersecurity already exist across the state. While a full list of colleges that offer the three programs that Calbright's offerings duplicate is too extensive to include in this letter, some highlighted examples are appended to the end of the letter.

The only aspect of Calbright's delivery of its programs that significantly differs from online programs throughout the California Community Colleges is its "statewide online platform," which is in fact a different course management system from that of the rest of the California Community Colleges and that which the California Online Community College Act directs Calbright to use (California Education Code §75001(d)(3)(B)). Calbright's decision not to use Canvas but to instead adopt Strut as its course management system not only violates California Education Code but also runs counter to the direction from the legislature that the new online college's "newly developed" programs "lead to a pathway at a traditional community college" (§75001(d)(3)(A)). An important consideration around the adoption of Canvas as the common course management system was that asking students to learn multiple interfaces of different course management systems created a barrier for students, who typically enroll in online courses at a variety of colleges in the system. While the statute directs Calbright to create pathways to the rest of the California Community Colleges, students who enter the system through Calbright and become proficient in Strut will have to face a unique hurdle if they do transition to another California

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community college, where they will interact with their instructors, classmates, and course materials through Canvas. The use of a different course management system thus appears to violate the requirements specified in the legislation. Furthermore, expending Calbright's budget to utilize a unique course management system appears wasteful when California has a contract with Instructure for Canvas for the entire System.

In addition, California Code of Regulations Title 5 § 55000.5 indicates that the California Community Colleges Program and Course Approval Handbook delineates criteria and procedures for approval of courses and programs. The handbook states, "A proposed new program must not cause harmful competition with an existing program at another college." All colleges in the community college system must abide by this rule. Additionally, the California Online Community College Act specifically requires Calbright to abide by the same curricular approval processes that apply to existing districts (California Education Code §75007(e)). The minimization of destructive competition is explicitly built into the approval processes for the existing colleges when new career-technical education programs are introduced. If Calbright is to introduce curricular elements that are a duplication of those already in place, some mechanism needs to be established to protect all of the colleges, as many rely heavily on their online programs.

If Calbright is to exist as an option for students in California and serve as an entry point into higher education, it must be the unique opportunity it was proposed to be, offering something not currently available at the community colleges and aligning with the colleges as appropriate. Thus far, Calbright has functioned in a manner more aligned with for-profit entities that benefit from extensive resources dedicated to marketing and without consideration of the cost implications of their choices.

Fiscal responsibility alone should prohibit condoning Calbright's use of resources to offer programs that duplicate existing programs and methodologies, violate the education code, and potentially impede progress towards the system-wide goal of completion by using a course management system that is different from that used by the rest of the system. The ASCCC feels a responsibility to inform you of the deep concerns expressed by faculty across the state regarding the actions and activities of this expensive and potentially harmful endeavor. Therefore, the ASCCC urges the legislature to clearly define the mission and scope of Calbright, identify the expectations for accreditation, and clarify the non-duplication clause of the law. Until such a time, we are truly at a loss as to how to provide clarity and advice to the CEO and trustees of Calbright regarding the implementation of the will of the legislature. Please feel free to contact us if we can provide further clarity or be of service.

Respectfully,



John Stankas  
President

CC: Joey Freeman, Chief Deputy Legislative Affairs Secretary for Policy

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Chris Ferguson, Department of Finance  
Edgar Cabral, Legislative Analyst's Office  
Monica Henestroza, Special Assistant to Assemblymember Rendon  
Jeanice Warden, Chief Consultant, Assembly Committee on Higher Education  
Megan Baier, Educational Consultant, Senator Atkins  
Olgalilia Ramirez, Consultant, Senate Committee on Education  
Anita Lee, Consultant, Senate Budget and Fiscal Review Committee  
Mark Martin, Consultant for the Budget Committee on Higher Education  
Tom Epstein, President, CCC Board of Governors  
Eloy Ortiz Oakley, Chancellor, California Community Colleges Chancellor's Office  
Laura Metune, Vice Chancellor of Government Relations  
Heather Hiles, CEO, Calbright College  
Pamela Haynes, Vice President, CCC Board of Governors  
Hildegarde Aguinaldo, CCC Board of Governors  
Darius Anderson, CCC Board of Governors  
Geoffrey Baum, CCC Board of Governors  
Amy Costa, CCC Board of Governors  
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Jolena Grande, CCC Board of Governors  
Jennifer Perry, CCC Board of Governors  
Kim Perigo, CCC Board of Governors  
Bill Rawlings, CCC Board of Governors  
Valerie Lynne Shaw, CCC Board of Governors  
Blas Villalobos, CCC Board of Governors  
Alexis Zaragoza, CCC Board of Governors  
Colm Fitzgerald, CCC Board of Governors

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### **APPENDIX: PARTIAL LIST OF CALIFORNIA COMMUNITY COLLEGE PROGRAMS THAT WOULD BE DUPLICATED IN CALBRIGHT'S PLANNED IMPLEMENTATION**

(Note: Many of these programs also share elements of the methods of delivery that Calbright plans to employ.)

#### ***Medical Coding:***

North Orange Continuing Education—Fully online, competency noncredit program using competency-based education with flexible scheduling. Available to all students statewide and featured as fully online certificate of achievement through California Virtual Campus – Online Education Initiative

Santa Barbara City College—Fully online program, available to all students statewide and featured as fully online certificate of achievement through California Virtual Campus – Online Education Initiative

#### ***Cybersecurity:***

Merritt College – online degree and certificate program.

San Diego Continuing Education—Competency Based, noncredit program

Cosumnes River College, Fresno City College, Pierce College, and Cerro Coso College—Fully online programs, available to all students statewide and featured as offering fully online certificates of achievement through California Virtual Campus – Online Education Initiative

#### ***Introduction to Information Technology Support:***

Cerro Coso College—Fully online program, available to all students statewide and featured as fully online certificate of achievement through California Virtual Campus – Online Education Initiative

San Diego Continuing Education—Interactive Competency-Based Online Microcredentialing Academy is free, fully online, and offered with flexible scheduling. Set to launch in fall of 2020.