
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2021 - 2022 Regular

Bill No:	AB 1040	Hearing Date:	July 14, 2021
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Urgency:	No	Fiscal:	Yes
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Subject: Community colleges: ethnic studies.

SUMMARY

This bill (1) requires each community college district to: (A) commencing with the 2022–23 academic year, offer courses in ethnic studies at each of its campuses; and (B) commencing with the 2024–25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree, and (2) requires the Legislative Analyst’s Office to conduct a study on the number of ethnic studies courses the California State University (CSU) accepted from the community college districts to satisfy the ethnic studies course graduation requirement.

BACKGROUND

Existing law:

- 1) Establishes the California Community Colleges (CCC), a postsecondary education system consisting of community college districts (CCDs) and the Board of Governors of the CCC (Education Code § 70900).
- 2) Requires the CCC Board of Governors (BOG) to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the state. (EC § 70901)
- 3) Requires the work of the BOG to at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC (EC § 70901).
- 4) Requires the Instructional Quality Commission (IQC) to develop, and the State Board of Education (SBE) to adopt, modify, or revise, a model curriculum in ethnic studies by March 31, 2021. (EC § 51226.7)
- 5) Requires the California State University (CSU), commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies. (EC § 89032)

ANALYSIS

This bill (1) requires each community college district to: (A) commencing with the 2022–23 academic year, offer courses in ethnic studies at each of its campuses; and (B) commencing with the 2024–25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree, and (2) requires the Legislative Analyst’s Office to conduct a study on the number of ethnic studies courses the CSU accepted from the community college districts to satisfy the ethnic studies course graduation requirement. Specifically, this bill:

- 1) Commencing with the 2022–23 academic year, requires each community college district to offer courses in ethnic studies at each of its campuses.
- 2) Requires the units earned by students for successful completion of such ethnic courses to be eligible for transfer to count toward a baccalaureate degree and, if applicable, to meet the ethnic studies general education graduation requirements at the CSU.
- 3) Requires each community college district to collaborate with its academic senate in the development of these courses.
- 4) Commencing with the 2024–25 academic year, requires each community college district to require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree.
- 5) Prohibits a community college district from increasing the number of units required to obtain an associate degree in order to implement the ethnic studies graduation requirement.
- 6) Requires the Chancellor of the CCC (the Chancellor) to develop and adopt appropriate regulations for the implementation of these provisions.
- 7) Requires the Chancellor to develop and implement a plan to streamline the course and curriculum approval process, both at the state and local levels.
- 8) Specifies all of the following in relation to the plan:
 - a) Requires the plan to reflect an expedited state approval process for ethnic studies courses, programs, and certificates.
 - b) Authorizes the plan to include the elimination of an existing state course and program approval process.
 - c) Requires the plan to reflect one of the following two options:
 - i) A process of course and curriculum approval that enables community college districts to develop a course or program within one academic year and to offer that course or program the subsequent academic year.

- ii) A process of course and curriculum approval that enables community college districts to develop a course or program within one academic semester and to offer that course or program the subsequent academic semester.
 - d) Requires the plan to reflect the creation of a process that enables ethnic studies courses and programs to be portable among community college districts, and requires that process to enable a community college district to adapt, adopt, or adapt and adopt another community college district's approved ethnic studies courses, programs, and curriculum within one academic semester and to offer that course or program, or use that curriculum, the subsequent academic semester.
- 9) Requires the Legislative Analyst's Office to conduct a study on the number of ethnic studies courses the CSU accepted from the community college districts to satisfy the ethnic studies course graduation requirements.
- 10) Requires analysis in that study to include, but not be limited to, all of the following:
- a) Identifying the number of ethnic studies courses submitted by each community college district to the CSU that would satisfy the lower division ethnic studies requirement.
 - b) Identifying the number of ethnic studies courses submitted by each community college district that were accepted and the number of ethnic studies courses that were rejected by the CSU. For each rejected ethnic studies course the CSU shall provide the Legislative Analyst's Office with an explanation of why the course did not satisfy the ethnic studies course graduation requirement at the CSU.
 - c) A description of the process used to approve community college ethnic studies courses related to the graduation requirement.
- 11) Requires the data in the study to be disaggregated into the following disciplines:
- a) African American and Black studies.
 - b) Asian American and Pacific Islander studies.
 - c) Latino studies, including Chicano studies and Mexican American studies.
 - d) Native American and indigenous peoples studies.
 - e) Other academic departments or disciplines that could satisfy the CSU ethnic studies requirement, if applicable.
- 12) Requires the CSU to provide the information to the Legislative Analyst's Office on or before January 1, 2023.

- 13) Requires the Legislative Analyst's Office to compile the information received and submit a report with findings and recommendations to the education and fiscal policy committees of the Legislature on or before April 30, 2023.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "California community colleges (CCC) serve 2.3 million students in which 74 percent are racial minorities. Currently, 72 of the 115 community colleges (62 percent) offer an ethnic studies course. Many of these students attended California high schools and have not had the benefit of learning their own history or cultures and contributions to our society. Over the past 52 years, there appears to be few proactive efforts to provide the leadership needed to promote and integrate ethnic studies into the mainstream of the community college curriculum.

"Currently, the California Community Colleges Curriculum Committee serves as the primary advisory body for matters involving curriculum in the state. The committee is responsible for guiding the Chancellor's Office on implementing local and regional curriculum-related policy and regulations throughout the system, and for working with the Chancellor's Office to ensure all levels of local and regional curricular design and approval is faculty led and driven by identified student need. Despite this, not all colleges provide an ethnic studies course. Currently, only 72 of the 115 community colleges offer an ethnic studies course.

"With the ultimate passing of AB 1460 (Weber) in 2020, it has become imperative for community colleges to fully develop a process to complete a transferable ethnic studies credit in order to better set their students up for academic success once they've transferred. Transfer students make up more than one third of all CSU students and with the success of programs like the Associate Degree to Transfer (ADT) that number will only increase. AB 1040 ensures that our transfer students headed to a CSU can meet their ethnic studies course requirement in a manner that will save them both time and financial aid dollars at their CSU campus."

- 2) ***Academic freedom.*** As noted by the Assembly Higher Education Committee, "while academic freedom may mean different things to different individuals, at the core of academic freedom, is the establishment of faculty members' right to remain true to their pedagogical philosophy and intellectual commitments; it preserves the intellectual integrity of our higher education systems. Additionally, academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on faculty or students."

This bill requires each community college district, commencing with the 2022–23 academic year, to offer courses in ethnic studies at each of its campuses, and commencing with the 2024–25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree. The bill also requires each community college district to collaborate with its academic senate in the development of these courses.

- 3) ***Board of Governors (BOG) to vote on an ethnic studies graduation requirement soon.*** The CCC Statewide Academic Senate (ASCCC), in collaboration with the CCC Chancellor's Office (CCCCO), in the Fall of 2020, proposed to amend the California Code of Regulations, Title 5, Section 55063 in order to include a 3-unit ethnic studies graduation requirement for CCC associate degrees. The proposal was read for the first time at the May 24, 2021 Board of Governors (BOG) meeting. The BOG took final action on the proposal on Monday, July 12th.

In addition to instituting a 3-unit ethnic studies graduation requirement, which staff is informed will take effect in either Fall 2022 or Fall 2023, the BOG vote directed "The CCCCCO to work in collaboration with the ASCCC, the SSSCC, the CCC Ethnic Studies Faculty Council, and the applicable intersegmental groups (i.e. Intersegmental Curriculum Workgroup and Course Identification Numbering System (C-ID)) where appropriate to:

- Define ethnic studies for the CCC System.
- Establish an Ethnic Studies Transfer Model Curriculum.
- Create the needed C-ID course descriptors.
- Examine and update ethnic studies minimum qualifications.
- Update the Program and Course Approval Handbook.
- Provide professional development to ensure ethnic studies is implemented with fidelity.
- Coordinate with CSU for alignment."

In light of the ongoing efforts by the CCCCCO, ASCCC, SSSCC, and the BOG, and the significance of Legislative action in the realm of college academics – an area traditionally under the purview of college administrators and faculty - the committee may wish to consider the necessity of this bill.

- 5) ***Budget includes funding to CCC for CSU ethnic studies implementation and coordination.*** SB 129 (Skinner), which is pending before the Governor, appropriates \$5,600,000 to the BOG to implement the provisions AB 1460 (Weber, Chapter 32, Statutes of 2019) by ensuring the seamless transfer of community college students to the California State University, given ethnic studies general education requirements. Activities may include collaboration with key stakeholder groups, review of regulations and standards, and establishment of a plan for implementation.
- 6) ***More graduation requirement proposals likely to follow.*** The graduation requirement proposed by this bill is limited to ethnic studies. If the bill were to take effect, it seems likely that the Legislature would see additional proposals in future years to add additional graduation requirements. For example, it is easy to

envision a proposal to require a gender studies or LGBTQ+ studies requirement, or perhaps a graduation requirement centered on climate change or environmental education. Evidence of this possibility can be seen in the K-12 graduation requirements, where the Legislature has considered a burgeoning list of subjects for a new graduation requirement in recent years, including financial literacy, service learning, health, and ethnic studies. Additionally, the Legislature has authorized Advanced Placement (AP) computer science to count toward local math graduation requirements beyond the state requirements, and expanded the foreign language or visual and performing arts requirement to also be satisfied by a career technical education course. Moreover, other bills have attempted to revise the number of courses required for certain existing subjects.

The committee may wish to consider whether delving into the topic of community college-level graduation requirements – even for topics for which there may be widespread agreement on – could ultimately lead to a tipping point of too many legislatively imposed graduation requirements at the community college level.

- 7) ***Ethnic studies graduation requirements at other levels.*** Last year, the Legislature passed, and the Governor signed into law, AB 1460, which requires the CSU, commencing with the 2021-22 academic year, to (1) provide courses in ethnic studies at each of its campuses; and (2) require, as an undergraduate graduation requirement commencing with students graduating in the 2024-25 academic year, the completion of, at minimum, one three-unit course in ethnic studies.

This session, the Legislature is also considering AB 101, (Medina, 2021), which (1) requires local educational agencies (LEAs) serving grades 9-12, commencing with the 2024-25 school year, to offer at least a one-semester course in ethnic studies; (2) adds, commencing with the 2029-30 school year, a semester-long course in ethnic studies to the list of statewide graduation requirements; and (3) expressly applies all statewide graduation requirements to charter schools. AB 101 is scheduled to be heard in this committee on July 14, 2021.

If the both this bill and AB 101 were to be enacted, a California student that graduates from a California public high school, earns an associate degree, and ultimately graduates from a CSU, will have been required to take at least two ethnic studies courses. The bill does require the units earned by students for successful completion of an ethnic course at a community college to be eligible for transfer to count toward a baccalaureate degree and, if applicable, to meet the ethnic studies general education graduation requirements at the CSU.

The committee may wish to consider whether these efforts are unintentionally duplicative of the overall goal, and if so, at what level it is most impactful to direct those efforts. However, it would also be fair to note that not every student in a community college attended a public school and not every associate degree recipient matriculates to a CSU. Further, there may also be value in revisiting ethnic studies in college after an initial exposure to it in high school.

- 8) ***Other related and previous legislation.*** AB 3310 (Muratsuchi, 2020) was substantially similar to this bill but was held in the Assembly Higher Education Committee.

AB 2772 (Medina, 2017-18 Session) in an earlier version, was substantially similar to AB 101 (Medina, 2021) but ultimately was amended and would have established a three-year grant program to require the CDE, contingent upon funding, to award grants to school districts to fund a semester- or year-long course in ethnic studies as part of a local graduation requirement in ethnic studies that is applicable to all students. AB 2772 was vetoed by Governor Brown, who stated:

“This bill establishes a three-year grant program for school districts that require ethnic studies in order to graduate.

School districts already can, and are, requiring ethnic studies for graduation. While I recognize the value of these courses, I am reluctant to encourage yet another graduation requirement, especially when students are already overburdened by multiple tests and endless hours of homework.”

AB 2408 (Weber, 2017-18 Session) was very similar in nature to AB 1460 (Weber). AB 2408 was held in the Assembly Higher Education Committee at the request of the author.

SUPPORT

Los Angeles Community College District (Sponsor)
 Asian Pacific Americans in Higher Education
 Asian Pacific Islander Trustee and Administrator Caucus of the CC League of California
 California Faculty Association
 California League of United Latin American Citizens
 Campaign for College Opportunity
 Chabot College
 Chapman University
 Chinese for Affirmative Action
 Coalition for Responsible Community Development
 College of the Redwoods
 Contra Costa Community College District
 East Los Angeles College Asian American Studies
 Florin Japanese American Citizens League - Sacramento Valley
 Girls, Inc of Orange County
 Grossmont-Cuyamaca Community College District
 Hartnell College
 Imperial Community College District
 Japanese American Citizens League, Northern California-W. Nevada-Pacific District
 Japanese American Citizens League, San Jose Chapter
 Japanese American Museum of San Jose
 Los Angeles Community College District
 Monterey County

National Association of Social Workers, California Chapter
Nihonmachi Outreach Committee, San Jose
Ohlone College
Proyecto Pastoral
Sacramento Japanese American Citizens League
San Diego College of Continuing Education
San Jose City College
San Jose-Evergreen Community College District
Sonoma County Japanese American Citizens League

OPPOSITION

None received

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