

State of California

EDUCATION CODE

Section 78052

78052. (a) It is the intent of the Legislature that community college districts develop and implement zero-textbook-cost degrees and develop open educational resources for courses to reduce the overall cost of education for students and decrease the time it takes students to complete degree programs.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Chancellor" means the Chancellor of the California Community Colleges.

(2) "Chancellor's office" means the Office of the Chancellor of the California Community Colleges.

(3) "Degree" means a zero-textbook-cost degree.

(4) "Open educational resources" means high-quality teaching, learning, and research resources that reside in the public domain or have been released pursuant to an intellectual property license that permits their free use and repurposing by others, and may include other resources that are legally available and free of cost to students. Open educational resources include, but are not limited to, full courses, course materials, modules, textbooks, faculty-created content, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(5) "Zero-textbook-cost degrees" means community college associate degrees or career technical education certificates earned entirely by completing courses that eliminate conventional textbook costs by using alternative instructional materials and methodologies, including open educational resources. For purposes of this paragraph, "zero-textbook-cost degrees" may include a low-cost degree option if a no-cost equivalent option is not available or cannot be developed. Discretionary student printing of instructional materials shall not be considered a cost as part of this program.

(c) Of the funding appropriated in the annual Budget Act to develop and implement degrees, the chancellor shall distribute grants of up to two hundred thousand dollars (\$200,000) to a community college district for each degree developed and implemented within the district that contributes to the overall elimination, or significant lowering, of textbook costs for students and aligns with the conditions for receipt of funds specified in subdivision (d). The chancellor's office shall ensure that a grant does not result in the development or implementation of duplicate degrees for a subject matter to avoid duplication of effort and ensure the development and implementation of the greatest number of degrees for the benefit of the greatest number of students. The chancellor's office may distribute the grants in phases, including a planning phase and an implementation phase.

(d) As a condition of receiving funding appropriated in the annual Budget Act to develop and implement degrees, a community college district shall comply with all of the following:

(1) Develop and implement one or more of the following program pathways:

(A) An existing associate degree or career technical education certificate program, prioritizing existing associate degrees for transfer.

(B) A new associate degree or career technical education certificate program that meets one of the following conditions:

(i) Has a high value in the regional market.

(ii) Meets an emerging regional business industry need.

(iii) Has high textbook costs.

(2) In complying with paragraph (1), prioritize the development and implementation of a degree from an existing associate degree for transfer and, to the extent possible, prioritize the adaptation of existing open educational resources through existing open educational resources initiatives, or elsewhere, before creating new content.

(3) Develop degrees with consideration for sustainability after grant funding is exhausted, including how content is updated and presented.

(4) Ensure compliance with the federal Americans with Disabilities Act (Public Law 104-197) and the federal Copyright Act of 1976 (Public Law 94-553).

(5) Develop and implement a minimum of one degree for each grant received.

(6) Develop and implement a degree that other community college districts can use or adapt, and post each degree, and the contents of the degree, on the online clearinghouse of information established pursuant to Item 6870-101-0001 of the Budget Act of 2016, or a successor internet website. All open educational resources used as learning materials for a degree developed pursuant to this section shall be added to the California Digital Open Source Library established in Section 66408. Testing and assessment materials posted online pursuant to this paragraph shall be safeguarded to maintain the integrity of those materials. This paragraph shall not be construed to prohibit faculty from providing sample test and assessment materials to students.

(7) Ensure faculty shall have flexibility to update and customize degree content as necessary within the parameters of this program.

(8) Ensure that the degree developed and implemented is clearly identified in college catalogs and in class schedules.

(9) Provide the chancellor with all legislatively required report data, any planning, progress, and outcome information associated with the grant, and any additional information that the chancellor determines necessary.

(10) Consult with the local academic senate of a college that would implement a degree.

(11) (A) Use a multimember team approach, to develop and implement a degree pursuant to this section, that includes faculty, college administrators, and other content-focused staff, including, but not limited to, librarians, instructional designers, and technology experts, from the campus that would implement the degree, other

colleges of the community college system, and interested campuses of the California State University and the University of California.

(B) Grant recipients may use funds to obtain professional development and technical assistance to assist in the development of degrees.

(12) Strive to implement degrees within three academic years of receiving funding, or sooner, as determined by the chancellor's office.

(e) Of the funding appropriated in the annual Budget Act, the chancellor may also distribute grants to a community college district for the development and curation of open educational resources for coursework. The chancellor's office shall determine the amount of a grant for this purpose, but the grant amount shall not exceed twenty thousand dollars (\$20,000).

(f) As a condition of receiving funding appropriated in the annual Budget Act for the development and curation of open educational resources for coursework, a community college district shall comply with all of the following:

(1) Coordinate the development and curation of open educational resources with efforts to develop and implement degrees pursuant to subdivisions (c) and (d).

(2) In instances where the community college district does not receive a grant pursuant to subdivision (c), the community college district shall coordinate the development and curation of open educational resources with existing open educational resources initiatives and degree efforts. In addition, the community college district shall develop and curate open educational resources for coursework to be used for one or more of the following program pathways:

(A) An existing associate degree or career technical education certificate program, prioritizing existing associate degrees for transfer.

(B) A new associate degree or career technical education certificate program that meets one of the following conditions:

(i) Has high value in the regional market.

(ii) Meets an emerging regional business industry need.

(iii) Has high textbook costs.

(3) In complying with paragraph (2), to the extent possible, prioritize the adaptation of existing open educational resources for coursework through existing open educational resources initiatives, or elsewhere, before creating new content.

(4) Ensure compliance with the federal Americans with Disabilities Act (Public Law 104-197) and the federal Copyright Act of 1976 (Public Law 94-553).

(5) Ensure all open educational resources developed pursuant to this subdivision is added to the California Digital Open Source Library established in Section 66408.

(6) Provide the chancellor with all required report data and any planning, progress, and outcome information associated with the grant.

(7) (A) Consult with the local academic senate of a community college that would use open educational resources.

(B) Grant recipients may use funds to obtain professional development and technical assistance to assist in the development and curation of open educational resources for coursework.

(8) Strive to complete development and curation of open educational resources for coursework within two academic years of receiving funding, or sooner, as determined by the chancellor's office.

(g) (1) The chancellor shall, by June 30, 2027, report to the Legislature, the Legislative Analyst's Office, and the Department of Finance on the development and implementation of degrees pursuant to subdivisions (c) and (d), and the development and curation of open educational resources pursuant to subdivisions (e) and (f), including, but not limited to:

(A) The number of degrees developed and implemented and open educational resources developed and curated within each district, disaggregated by college. Degrees shall also be disaggregated by the number of degrees that eliminated textbook costs and the number of degrees that significantly lowered textbook costs.

(B) The estimated annual savings to students.

(C) The number of students who completed a zero-textbook-cost degree program and accessed open educational resources.

(D) Recommendations to increase, expand, or improve the offering of degrees and the use of open educational resources.

(2) A report pursuant to paragraph (1) shall be submitted to the Legislature in compliance with Section 9795 of the Government Code.

(h) (1) Of the funds appropriated in the annual Budget Act for this program, up to 3 percent of the appropriation may be allocated by the chancellor's office to contract with a community college district to administer this program.

(2) The contract between the chancellor's office and the community college district shall reflect all of the following:

(A) The programmatic and administrative responsibilities that will be delegated to the district, including the programmatic requirements identified in subdivisions (c) to (g), inclusive.

(B) A requirement that the contracting district provide prebid conferences, either in person or via webinar, for interested grant applicants.

(C) Technical assistance to grant applicants and grantees.

(3) The contracting community college district may apply for, and receive, a grant to develop and implement a degree and have employees and administrators of the district participate as part of a multimember team approach pursuant to paragraph (11) of subdivision (d). To be eligible to receive a grant, the district shall maintain appropriate and transparent internal controls and processes to ensure that the district's contracted duties and responsibilities are clearly delineated, identified, and distinguished from the duties and responsibilities conferred upon the district as a grant applicant and recipient.

(4) Upon request of the chancellor's office, the contracted community college district shall provide the chancellor's office with an update on the status of the development and implementation of each degree within the district and the development and curation of open educational resources within the district.

(5) Notwithstanding any other law, a contract between the chancellor's office and a community college district for purposes of this subdivision is not subject to any

competitive bidding requirements of Section 10340 of the Public Contract Code for the limited purpose of administering the program pursuant to this subdivision.

(i) Of the funds appropriated in the annual Budget Act for this program, funds not awarded in a fiscal year for which funds are appropriated may be awarded in the following fiscal year.

(j) The chancellor's office shall award an initial round of grants no later than January 1 of a fiscal year for which the funds are appropriated.

(Amended by Stats. 2021, Ch. 144, Sec. 60. (AB 132) Effective July 27, 2021.)