

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3191-14/FGA
September 4-5, 2014

**OPPOSITION TO AB 46 (PAN) CALIFORNIA STATE UNIVERSITY:
ONLINE EDUCATION**

RESOLVED: That the Academic Senate of the California State University (ASCSU) withdraw its support from AB 46 (Pan) California State University: Online Education; and be it further

RESOLVED: That the ASCSU urge Governor Brown to veto AB 46 (Pan); and be it further

RESOLVED: That the ASCSU distribute this resolution to Governor Brown, Assemblymember Richard Pan, the Board of Trustees, Chancellor Timothy White, the Office of the Chancellor, CSU Office of Advocacy and State Relations, CSU Campus Presidents, Campus Senate Chairs, the California Faculty Association, the California State Student Association.

RATIONALE: *The language of AB 46 (Pan) originated in an earlier bill SB 1325 (Yee): California State University: Contractors. SB 1325 required outside contractors (such as Udacity) to report to the CSU all data gathered on CSU students taking its courses. In March 2014 the ASCSU adopted a position of support for the bill. When SB 1325 was withdrawn, language from that bill was relocated into AB 46 (Pan): California State University: Online Education. Subsequent amendments to AB 46, specifically those requiring reporting on online courses with the CSU, have led the ASCSU to believe that the bill is no longer in the best interest of the CSU, its students, and its faculty. Specific concerns include:*

- 1. The language of the bill is ambiguous in its definition of online courses; it fails to recognize the many modalities that online instruction can take;*
- 2. The bill could impose heavy reporting requirements on faculty and the CSU, and these may lead to significant costs that are currently unfunded in the bill;*
- 3. Many of the reporting requirements are already in place as a result of AB 386;*
- 4. Given the detailed level of student demographic and academic data that could be requested, the reporting requirements could potentially violate student privacy protections;*

5. *Because the ASCSU would be requesting any such information from the CSU itself, it is an internal matter not requiring legislative action; to that extent, the bill is unnecessary.*

The bill is currently enrolled and before the Governor. It is important therefore, that the ASCSU informs the Governor that the Academic Senate has withdrawn its support from AB 46 (Pan) and urges him to veto the bill.

Approved – September 5, 2014

Assembly Bill No. 46

Passed the Assembly August 27, 2014

Chief Clerk of the Assembly

Passed the Senate August 18, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 89227 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, Pan. California State University: online education.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the California State University comprises 23 institutions of higher education throughout the state.

Existing law requires the trustees to establish a series of uniform definitions for online education for the California State University on or before January 1, 2015, as specified. Existing law also requires the trustees to report performance data about online education to the Legislature on or before January 1, 2017, and every 2 years until 2021, and requires the trustees to report the performance data to the Legislative Analyst on or before January 1, 2017. Existing law further requires the Legislative Analyst to submit to the Legislature, on or before October 1, 2017, a status update regarding the university's implementation of these provisions and an assessment of the extent to which the university's online programs are operating in a manner consistent with legislative intent and statutory requirements.

This bill would require the trustees to make available to the Academic Senate of the California State University and campus academic senates specified information relating to all matriculated students of the California State University who are enrolled in online courses, irrespective of whether the courses or programs in which they are enrolled are provided by faculty of the California State University or by another entity that is under contract with the university or one of its campuses. The bill would require this information to be provided in compliance with all relevant state and federal provisions of law safeguarding the privacy of the students involved.

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

SECTION 1. Section 89227 is added to the Education Code, immediately following Section 89226, to read:

89227. (a) For purposes of providing a high-quality educational program and correlating student success, or a lack of student success, with resource use, demographic data, preparation, and mode of instruction, especially with respect to online education, the trustees shall make the information specified in subdivision (b) available, on paper or in electronic form, while complying with all relevant state and federal provisions of law safeguarding the privacy of the students involved, to the Academic Senate of the California State University and campus academic senates upon the request of the respective academic senate.

(b) The information provided under this section shall relate to all matriculated students of the California State University enrolled in online courses, irrespective of whether the courses or programs in which they are enrolled are provided by faculty of the California State University or by another entity that is under contract with the California State University or with one of its campuses:

(1) The number of students enrolled in online courses.

(2) With respect to each major course of study, the course completion rates for online courses and for courses other than online courses.

(3) The grades earned by each student enrolled in an online course.

(4) The course completion rates for students who are enrolled in online courses.

(5) Any data available relating to a student's use of university resources in connection with online coursework, including, but not necessarily limited to, analytic data concerning access to course materials; access to linked materials; performance on quizzes, tests, or examinations; and interactions with faculty, mentors, coaches, and other students in the online course. This data shall include any available information about the average amount of time it takes a student to complete an online assignment.

(6) Any available demographic data relating to students enrolled in online courses, including, but not necessarily limited to, the ethnicity, socioeconomic status, and gender of those students, and

the cumulative grade point averages of those students disaggregated by those demographic categories.

Approved _____, 2014

Governor