

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3567-22/FGA (Rev)
September 8-9, 2022

CLARIFYING AB 927 IN THE EVENT OF AN INTERSEGMENTAL IMPASSE

RESOLVED: That the Academic Senate of the California State University (ASCSU) urge the California State Legislature to amend [AB 927](#) by appending this or equivalent language to Section 78042 of the Education Code (i) (5) such that it shall read:

“The written agreement established between the objecting segment and the Chancellor of the California Community Colleges shall address, at a minimum, whether each of the elements of the original objection addressed in paragraph (4) has been resolved. *The Community Colleges shall not proceed to offer the proposed program(s) in regard to which objections have been advanced unless or until the objecting segment’s concerns have been addressed to the satisfaction of the objecting segment*”
(addition in italics)

; and be it further

RESOLVED: That the ASCSU ask the CSU Office of the Chancellor to support this request by advocating for such an amendment with the Legislature; and be it further

RESOLVED: That the ASCSU distribute this resolution to the CSU Chancellor, CSU Executive Vice Chancellor of Academic and Student Affairs, CSU Executive Vice Chancellor and Chief Financial Officer, CSU campus Senate Chairs, CSU Campus Presidents, CSU campus Senate Executive Committees, CSU Provosts/Vice Presidents of Academic Affairs, California State Student Association (CSSA), CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA), California Community Colleges’ (CCC) Board of Governors, University of California (UC) Board of Regents, California Assemblymember Jose Medina, California Senator Connie M. Leyva, Senate President pro tempore Toni G. Atkins, and the Speaker of the California Assembly Anthony Rendon.

RATIONALE: [AB 927](#), passed into law in 2021, amends [Section 78042](#) of the California Code of Education. It permits California Community Colleges (CCC) to

offer four-year baccalaureate programs if these are not duplicative of programs already offered or under consideration at the California State University (CSU) or the University of California (UC).

Section [78042](#) (i) sets out an intersegmental process by which the CCCs requesting authorization to implement the proposed program must consult with and resolve any disagreements between the parties caused by the proposed program.

However, Section [78042](#) (i) (5) which comes into play when the CSU or the UC raise an objection to one or more of the proposed programs, states “The written agreement established between the objecting segment and the Chancellor of the California Community Colleges shall address, at a minimum, whether each of the elements of the original objection addressed in paragraph (4) have been resolved.” While ostensibly it may appear that this requires intersegmental agreement with respect to the curricular consents of the proposal course(s), it could be read as simply requiring that the two segments agree to disagree. In that case the law is silent on whether an agreement to disagree bars the California Community Colleges (CCC) from proceeding or not. Indeed, the law is also silent on what happens should this agreement not be reached; if the proposing and objecting segments cannot and do not agree as stipulated in [78042](#) (i) (5), are the CCCs entitled to offer the proposed programs or not? It is that ambiguity that this resolution is calling on the legislature to clarify by amendment.

*Section [78042](#) (i) (3) of California Education Code reads (in part) “Upon receipt of written objections, the Chancellor of the California Community Colleges shall have 30 working days to convene with the applicant and the segment or segments that raised an objection to collaborate **and establish a written agreement before the program is approved.**” Here, the California Education Code is clear in that the parties need to resolve the disagreements regarding program duplication before the proposed programs are implemented.*

In [AS-3212-15/AA/FGA](#), the ASCSU response to [SB 850](#), the ASCSU called on the CCC Board of Governors “to ensure adequate and appropriate consultation prior to implementation of any pilot baccalaureate program” and to “avoid duplication of degree programs already offered by the California State University” as outlined in [SB 850](#).

Programs proposed by the CCC during 2022 that the CSU opposed where the CCC proceeded with plans to offer the bachelor’s degree program in spite of that opposition include:

- *Moorpark College, Biomanufacturing*
- *San Diego City College, Cyber Defense and Analysis*

References:

- https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB927
- <https://www.calstate.edu/csu-system/faculty-staff/academic-senate/resolutions/2014-2015/3212.pdf>

Approved Without Dissent – November 3-4, 2022