

# DUAL ENROLLMENT

AB 288 COLLEGE AND CAREER ACCESS PATHWAYS  
Partnership Agreement Framework

CLP

Career  
Ladders  
Project

theRPgroup

This document provides a framework to assist community college districts and their partners in crafting College and Career Access Pathways (CCAP) Partnership Agreements. As with any legal agreement, colleges and their partners should review all agreement language with their legal counsel. Please use this framework in conjunction with [Legal Opinion 16-02](#) and the [AB 288 CCAP Partnership Agreement Eligibility Guidelines for Apportionment](#) issued by the CCCCO, and all applicable statutes and regulations. *Numbering under references corresponds to the numbering of sections in the AB 288 CCAP Partnership Agreement Apportionment Eligibility Guidelines.*

## SECTION

### TITLE

### REFERENCE

A CCAP Partnership Agreement must be titled “College and Careers Access Pathways Partnership Agreement.” See Legal Opinion (LO) 16-02, sec 2. f. p 9.

### RECITALS

*Example:*

*Whereas the purpose of dual enrollment ...*

2. CCAP Partner Agreements be district-to-district. The purpose and goals are required elements and may be listed in the recitals. See Apportionment Guidelines (AG) sec. 2., p 1.

### LEGAL AUTHORITY AND ADOPTION

1. A community college district may enter into a CCAP partnership with a school district governed by a CCAP Partnership Agreement that is approved by both districts (AG sec. 1 p 1).
3. A community college district shall not enter into an AB 288 CCAP partnership with a school district within the service area of another community college district, except where an agreement exists, or is established, between those community college districts authorizing that AB 288 CCAP partnership (AG sec 2, p. 1).
4. Before adopting the AB 288 CCAP Partnership Agreement, the governing board of each district, at an open public meeting of that board, shall present the dual enrollment partnership agreement as an informational item EC § 76004(b).
5. The governing board of each district, at a subsequent open public meeting of that board, shall take comments from the public and approve or disapprove the proposed AB 288 CCAP Partnership Agreement. A copy of the approved AB 288 CCAP Partnership Agreement shall be filed with the Chancellor’s Office of the California Community Colleges. The Chancellor of the

# DUAL ENROLLMENT

## TERMS

California Community Colleges may void any AB 288 CCAP Partnership Agreement it determines has not complied with the intent of the requirements of EC § 76004 (AG sec 5, p.2 ).

The following must be included in the CCAP agreement and may be included in the “terms” section:

6. a. number of HS students to be served (AG sec. 6a, p. 2),
- b. total number of FTES to be claimed by the college district (AG sec. 6b, p. 2),
- c. scope, nature, time, location and listing of community college courses to be offered (AG sec. 6c, p. 2),
- d. the criteria to assess the ability of pupils to benefit from the courses in the agreement (AG sec. 6d, p. 2),
- e. protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school pupils to enroll in community college courses (AG sec. 6e, p. 2),
- f. point of contact for the participating community college district and school district partner (AG sec. 6f, p. 2),
- g. specification of which participating district will be the employer of record for purposes of assignment monitoring and reporting to the county office of education (AG sec. 6g, p. 2), and
- h. specification of which participating district will assume reporting responsibilities pursuant to applicable federal teacher quality mandates (AG sec. 6h, p. 3).

## CERTIFICATIONS

The following certifications are required to be addressed in the CCAP Partnership Agreement:

7. a. that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in ECS 87010, or any controlled substance offense as defined in ECS 87011 (AG sec. 7a, p. 3),
- b. that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus (AG sec. 7b, p. 3),,
- c. that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus (AG sec. 7c, p. 3),
- d. that a community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus (AG sec. 7d, p. 3),
- e. that a community college course that is oversubscribed or has a waiting list shall not be offered in the AB 288 CCAP Partnership Agreement (AG sec. 7e, p. 3),

# DUAL ENROLLMENT

f. that participation in the AB 288 CCAP Partnership Agreement is consistent with the core mission of the community colleges pursuant to ECS 66010.4, and that pupils participating in the AB 288 CCAP Partnership Agreement will not lead to enrollment displacement of otherwise eligible adults in the community college (AG sec. 7f, p. 3),

g. that any remedial course taught by community college faculty (which includes a qualified high school teacher teaching a college course as an “employee” of the community college district) at a partnering high school campus shall be offered only to high school students who do not meet their grade level standard in math, English, or both based on an interim assessment in grades 10 or 11, as determined by the partnering school district, and that the delivery of these remedial courses shall involve a collaborative effort between high school and community college faculty to deliver an innovative remediation course as an intervention in the student’s junior or senior year (AG sec. 7g, p. 3-4),

h. that both the school district and the community college district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching an AB 288 CCAP Partnership Agreement course offered for high school credit (AG sec. 7h, p. 4).

## ENROLLMENT (*permissive*)

These activities are permissive – if the college district chooses to adopt them they must be included in the CCAP Partnership Agreement:

8. a. priority enrollment and registration to a pupil seeking to enroll in a community college course that is required for the pupil’s CCAP partnership program that is equivalent to the priority assigned to a student attending a middle college high school as described in ECS 11300 and consistent with provisions in EC § 76001(e) (AG sec. 8a, p. 4)

b. a community college district may limit enrollment in a community college course solely to eligible high school students if the course is offered at a high school campus during the regular school day and the community college course is offered pursuant to the AB 288 CCAP Partnership Agreement (AG sec. 8b, p. 4),

c. a community college district may allow a special part-time student participating in the AB 288 CCAP Partnership to enroll in up to a maximum of 15 units per term if all of the following circumstances are satisfied (EC § 76004(p)):

i. The units constitute no more than four community college courses per term,

ii. The units are part of an academic program that is part of a CCAP partnership agreement,

# DUAL ENROLLMENT

## STUDENT FEES

iii. The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential (AG sec. 8c, p. 4).

The following student fees and exemptions must be referred to in the CCAP Partnership Agreement:

9. a. High school pupils enrolled in courses offered through a CCAP agreement shall not be assessed or charged a fee prohibited by EC § 49011, including a fee charged to a pupil, or a pupil's parent or guardian, as a condition for course registration or for textbooks, supplies, materials, and equipment needed to participate in the course. EC §§ 49010 et seq.; 76004(f) (AG sec. 9a, p. 5)

b. High school pupils enrolled in courses offered through the AB 288 CCAP Partnership Agreement and that are properly classified as having "special part-time student" status as described by EC § 76004(p) and item 8.c. above (as noted under ENROLLMENT *permissive*), shall be exempt from the following community college fee requirements [ECS 76004(q)]:

i. Student Representation Fee. EC § 76060.5

ii. Nonresident Tuition Fee. EC § 76140

iii. Transcript Fees. EC § 76223

iv. Course Enrollment Fees. EC § 76300

v. Apprenticeship Course Fees. EC § 76350

vi. Child Development Center Fees. EC § 79121 (AG sec. 9b, p. 5)

## STATE APPORTIONMENT

The following state apportionment eligibility provisions must be referred to in the CCAP Partnership Agreement:

10. a. A district shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment. EC § 76004(r) (AG sec. 10a, p. 5)

b. The attendance of a high school pupil at a community college as a special part-time or full-time student pursuant to a CCAP agreement is authorized attendance for which the community college district shall be credited or reimbursed pursuant to ECS 48802 or 76002, provided that no school district has received

# DUAL ENROLLMENT

	<p>reimbursement for the same instructional activity. EC § 76004(s) (AG sec. 10b, p. 5)</p>
<p>REPORTING</p>	<p>The following reporting requirements must be referred to in the CCAP Partnership Agreement:</p> <p>11. a. For each AB 288 CCAP Partnership Agreement entered into, the community college district, in conjunction with the partnering school district, shall report annually to the State Chancellor’s Office all of the following information:</p> <ul style="list-style-type: none"> <li>i. The total number of high school pupils by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.</li> <li>ii. The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants.</li> <li>iii. The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants.</li> <li>iv. The total number of Full-Time Equivalent Student (FTES) generated by CCAP partnership participants (AG sec. 11a i-v, p. 6).</li> </ul>
<p>OTHER REQUIREMENTS – CTE PROGRAMS</p>	<p>Other requirements for AB 288 CCAP Partnership Agreement include:</p> <p>12. The governing board of a community college district, prior to establishing a vocational or occupational training program (career technical education programs), shall conduct a job market study of the labor market area, and determine whether or not the results justify the proposed vocational education program. EC § 78015 et seq (AG sec. 12, p. 6).</p>
<p>OTHER REQUIREMENTS - RESPONSIBILITIES</p>	<p>The AB 288 CCAP Partnership Agreement must state:</p> <p>13. a. the responsibilities of each party, including a notation that if operated on-site by the school district, the college or community college district is responsible for the educational program(s) and/or course(s) (AG sec. 13a, p. 6),</p>
<p>OTHER REQUIREMENTS – PROCEDURES, TERMS AND CONDITIONS</p>	<p>The AB 288 CCAP Partnership Agreement must state:</p> <p>13. b. the procedures, terms and conditions relating to:</p> <ul style="list-style-type: none"> <li>i. enrollment period,</li> <li>ii. student fees, including as noted above under item 9,</li> <li>iii. the number of class hours sufficient to meet the stated performance objectives (if applicable),</li> <li>iv. supervision and evaluation of students,</li> <li>v. withdrawal of students prior to completion of a course or program (AG sec. 13b i-v, p. 6),</li> </ul>

# DUAL ENROLLMENT

OTHER REQUIREMENTS –  
CANCELLATION AND TERMINATION

The AB 288 CCAP Partnership Agreement must state:  
13. c. the terms and conditions relating to cancellation and termination of the AB 288 CCAP Agreement (AG sec. 13c, p. 6).

OTHER REQUIREMENTS –  
INSTRUCTION FOR  
APPORTIONMENT

14. The college or community college district has documentation that instruction claimed for apportionment under the agreement/contract is under the immediate supervision and control of an employee of the district who has met the minimum qualifications for instruction in the discipline of the course in a California community college. Instructors need to provide the supervision and control necessary for the protection of the health and safety of students and may not have any other assigned duty during the instructional activity. As a general rule, faculty must be physically present in the classroom or lab or within line-of-sight of the students. Cal. Code Regs., tit. 5, §§ 58050, 58051, 58056, 58058

a. Where the instructor is not a paid employee of the community college district, the college or community college district has an additional written agreement/contract with each instructor requiring student attendance and FTES to be reported by the instructor as required by the college or community college district and stating that the college or community college district has the primary right to control and direct the instructional activities of the instructor. Cal. Code Regs., tit. 5, § 58058(b)

b. The college or community college district must demonstrate control and direction through such actions as providing the instructor an orientation, instructor’s manual, course outlines, curriculum materials, testing and grading procedures, and any other materials and services it would provide to its hourly on-campus instructors (AG sec. 14a-b, p. 7),.

OTHER REQUIREMENTS – MINIMUM  
QUALIFICATIONS

15. The college or community college district lists minimum qualifications for instructors teaching agreement/ contract courses and instructor qualifications are consistent with requirements in other similar courses given by the college or community college district. Cal. Code Regs., tit. 5, § 53410. (AG sec. 15, p. 7).

OTHER REQUIREMENTS – PUBLIC  
ACCESS

16. Unless as provided under EC § 76004(o) and as noted under 8.b. above (ENROLLMENT *permissive*), the course(s) included in the agreement must be held at facilities which are clearly identified as being open to the general public, noting that students may be required to meet course or program prerequisites.

a. Unless as provided under EC § 76004(o) and as noted under 8.b. above (ENROLLMENT *permissive*), enrollment in the course must be open to any person who has been admitted to the

# DUAL ENROLLMENT

	<p>college and has met any applicable prerequisites. Cal. Code Regs., tit. 5, §§ 51006, 58106,</p> <p>b. The district policy on open enrollment (Cal. Code Regs., tit. 5, § 55005) along with a description of the course and information about whether the course is offered for credit and is transferable must be published in the college catalogue, schedule of classes, and any addenda to the schedule of classes. Cal. Code Regs., tit. 5, § 51006,</p> <p>c. Degree and certificate programs must have been approved by the California Community Colleges Chancellor’s Office and courses that make up the programs must be part of the approved programs, or the college must have received delegated authority to separately approve those courses locally. Cal. Code Regs., tit. 5, § 58050(a)(1). (AG sec. 16a-c, p. 7-8).</p>
<p>OTHER REQUIREMENTS – CONSISTENCY</p>	<p>17. Procedures are put into place by the college to ensure that faculty teaching different sections of the same course teach in a manner consistent with the approved outline of record for that course. Cal. Code Regs., tit. 5, § 55002, 58050(a)(5) (AG sec. 17, p. 8).</p>
<p>OTHER REQUIREMENTS – ATTENDANCE AND GRADES</p>	<p>18. Permanent records of student attendance, grades and achievement will be maintained by the school district or college (as determined appropriate by the community college district). Records will be open for review at all times by college officials and submitted on a schedule developed by the community college district. Cal. Code Regs., tit. 5, § 55021; 55040; 58030 (AG sec. 18, p. 8).</p>
<p>OTHER REQUIREMENTS – SUPPORT SERVICES</p>	<p>19. It is agreed that both the school district and community college district will insure that ancillary and support services are provided for students (e.g. Counseling and Guidance, Placement Assistance, Assessment, and Tutoring) (AG sec. 19, p. 8).</p>
<p>OTHER REQUIREMENTS – FULL COMPENSATION CERTIFICATION</p>	<p>20. The community college district must certify that it does not receive full compensation for the direct education costs of the course(s) from any public or private agency, individual, or group. EC § 84752; Cal. Code Regs., tit. 5, § 58051.5 (AG sec. 20, p. 8).</p> <p>21. The community college district is responsible for obtaining certification from the school district verifying that the instructional activity to be conducted will not be fully funded by other sources. EC § 84752; Cal. Code Regs., tit. 5, § 58051.5 (AG sec. 21, p. 8).</p>

# DUAL ENROLLMENT

## OTHER REQUIREMENTS – DISTRICT BOUNDARIES

22. If the course(s) will be located outside the boundaries of the district, the district must comply with the requirements of Title 5, sections 55300 et seq., concerning approval by adjoining high school or community college districts and use of non-district facilities (AG sec. 22, p. 8).

## OTHER REQUIREMENTS – RECORD KEEPING AND COMPUTATION

23. In all cases, standard FTES computation rules, support documentation, course section tabulations, and record retention requirements continue to apply, including as prescribed by Cal. Code Regs., tit. 5, §§ 58003.1 et seq. , 58020 et seq., 58030 and 59020 et seq.. (AG sec. 23, p. 8).

Community colleges and their partners may include additional sections that are often common to other contracts such as:

- Definitions
- Indemnifications
- Non-discrimination
- Facilities
- Insurance
- Notices

Again, this document is not intended as comprehensive guidance and should be used in conjunction with [Legal Opinion 16-02](#) and the [AB 288 CCAP Partnership Agreement Eligibility Guidelines for Apportionment](#) issued by the CCCCCO, and all applicable statutes and regulations. .

This document is a part of the [Dual Enrollment Toolkit](#), created by the Career Ladders Project and the RP Group in partnership with the California Community Colleges Chancellor's Office (CCCCO). Funded by the CCCCCO, Rancho Santiago Community College District and the James Irvine Foundation.

Rev 05.02.16