WHEREAS, California administrative law (Title 5, Section 40404) requires each campus of the California State University to “provide for comprehensive study of American history and American government including the historical development of American institutions and ideals, the Constitution of the United States and the operation of representative democratic government under that Constitution, and the processes of state and local government”; and

WHEREAS, All CSU students must demonstrate competent knowledge of American institutions and ideals in order to qualify for graduation; and

WHEREAS, Teaching undergraduates about American institutions and ideals is a crucial component of the CSU educational mission; and

WHEREAS, Citizens and residents of the United States who understand American institutions and ideals can make significant contributions to American civil society; and

WHEREAS, The CSU Board of Trustees is considering a new policy which would allow the CSU Chancellor and/or the Presidents of CSU campuses to waive the ‘American Institutions’ requirement for certain majors and groups of students; and

WHEREAS, Implementation of this proposed waiver policy may exceed the statutory authority of the Trustees; and

WHEREAS, the Academic Senate of the CSU and the Academic Senates of many local CSU campuses have recently reaffirmed their commitment to the existing “American Institutions’ requirement; and

WHEREAS, The Academic Senate of San Jose State University has urged the Trustees to delay consideration of changes to the existing ‘American Institutions’ requirement; therefore be it

RESOLVED: That the Academic Senate of California Polytechnic State University, San Luis Obispo, endorse the attached resolution of the Academic Senate of San Jose State University, “Resolution to Urge the Board of Trustees to Delay Consideration of
Waivers to the Existing Title 5 ‘American Institutions’ Requirement”; and be it further
RESOLVED: That copies of this resolution be distributed to the Chancellor, the Board of
Trustees, the Academic Senate CSU, all CSU campus senates, the Chairs of all
CSU History and Political Science departments, the Assembly Committee on
Higher Education, and the Academic Senate of the California Community Colleges.

Proposed by: Lewis Call, Senator for College of Liberal Arts (History Department)
Date: May 2 2011
Revised: May 26 2011
SS-S11-5, Sense of the Senate Resolution, “Resolution to Urge the Board of Trustees to Delay Consideration of Waivers to the Existing Title 5 ‘American Institutions’ Requirement”

Legislative History: At its meeting of April 18, 2011, the Academic Senate approved the following Sense of the Senate Resolution presented by Senator Peter.

SENSE OF THE SENATE RESOLUTION
“RESOLUTION TO URGE THE BOARD OF TRUSTEES TO DELAY CONSIDERATION OF WAIVERS TO THE EXISTING TITLE 5 ‘AMERICAN INSTITUTIONS’ REQUIREMENT”

Whereas, For decades the California State University has maintained a requirement (in Title 5 administrative law) for all CSU graduates to “acquire knowledge and skills that will help them to comprehend the workings of American democracy and of the society in which they live, to enable them to contribute to that society as responsible and constructive citizens” (Title 5 40404); and

Whereas, An informed citizenry is necessary in American democracy, but mounting evidence shows that “most individual voters are abysmally ignorant of even very basic political information”1; and

Whereas, The passing last Autumn of SB 1440—a measure designed to streamline transfers from the California Community Colleges to the CSU, has enabled the creation of “Transfer AA” degrees from the CCC system; the CCC system, however, refuses to include the Title 5 American Institutions requirements as a part of these newly created transfer degrees; and

Whereas, The CSU Board of Trustees is considering changes in the Title 5 “American Institutions” requirement that will enable (but not necessarily require) the Chancellor, Presidents and “appropriate campus authorities”

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1See for example Ilya Somin, “When Ignorance Isn’t Bliss: How Political Ignorance Threatens Democracy” (Policy Analysis No. 525, September 22, 2004.) “In this paper I review the overwhelming evidence that the American electorate fails to meet even minimal criteria for adequate voter knowledge” (p. 2.) See also Andrew Romano, “How Dumb Are We? Newsweek gave 1,000 Americans the U.S. Citizenship Test—38% failed. The country’s future is imperiled by our ignorance,” Newsweek March 28 and April 4, 2011.
to waive the American Institutions requirement for certain majors and
groups (called "the proposal" in this document); and

Whereas, After a few weeks of informal conversations, the proposal was first publicly
broached at an April 13 meeting with the CSU Presidents; this unfortunate
time line has resulted in insufficient consultation to date with History and
Political Science faculty and almost no time—in the last month of classes—
for local Academic Senates and their curriculum committees to respond;
and

Whereas, The possibility of using the existing option of comprehensive exams in
American Institutions to bring the CSU fully into compliance with SB1440
has not been fully explored now, therefore, be it

Resolved, That the Board of Trustees should delay any consideration of Title 5
changes to the "American Institutions" requirement until the possibility of
using the existing Comprehensive Exam option to bring the CSU into
compliance with SB 1440 is fully explored with the help of the system's
Political Science and History faculty; we acknowledge that there may need
to be procedural and/or policy changes in the administration of these
exams but believe that the option could be of great promise in complying
with SB 1440 without the need for a Title 5 change; be it further

Resolved, The Academic Senate of San Jose State University reaffirms its
commitment to the principle that all graduates of our institution should
demonstrate an understanding of "American democracy and of the society
in which they live" so that they may "contribute to that society as
responsible and constructive citizens"; be it further

Resolved, That the CSU should strongly consider the option of not recognizing
transfer AA degrees that fail to allow the American Institutions requirement
within the constraints of SB1440 degrees—as being too dissimilar to our
own degrees; be it further

Resolved, That the CSU should request that the Legislature amend "The Student
Transfer Achievement Reform Act" (SB 1440) to clarify that American
Institutions requirements should be fully maintained during the
implementation of the law; be it further

Resolved, That copies of this resolution be distributed to the Chancellor, to the
Board, to the ASCSU, to all campus senates, and to the Chairs of all CSU
History and Political Science Departments, the Assembly Committee on
Higher Education, and the Academic Senate of the California Community
Colleges.
American Institutions Q and A

1. Q: What is American Institutions?
   A: This is an informal way of referring to Title 5 Section 40404, US History, Constitution, and American Ideals ("American Institutions" or "AI")

   S. 40404 requires that the CSU provide education in and that students demonstrate competency in these areas of history and government either by completing courses or passing a comprehensive exam. This is seen as a vital part of the breadth represented in a CSU bachelor's degree, and it is seen as upholding the Association of American Colleges and University's "Liberal Education and America's Promise" (LEAP) outcomes "knowledge of human cultures" and "personal and social responsibility."

   In bachelor's degree programs, this translates as six required semester units (2 courses) in Political Science and US History. Students who can pass a challenge exam do not have to complete the courses.

2. Q: Do all California public higher ed institutions have this requirement?
   A: This Title 5 requirement is unique to the CSU. It does not apply to the University of California or the California Community Colleges. The Intersegmental General Education Transfer Curriculum (IGETC) does not include the CSU American Institutions requirement. (http://icas-ca.org/Websites/icasca/Images/Final_IGETC_Standards_v1.2.pdf p. 24).

   While the UC system is not subject to this Title 5 requirement, there are campus requirements for US history and civics education. Many students fulfill this requirement before entering college by completing a one-year high school course in U.S. history or a half-year course in U.S. history and a half-year course in American government. (This satisfies this requirement at all UC campuses except UC Santa Barbara, which requires students to complete a college-level course. At UCLA, students may complete the course(s) in high school, but must have earned a B average or better.)

   Practice varies among private institutions in the state.

3. Q: Has the Title 5 change been proposed because the Chancellor's Office wants to eliminate the AI requirement or reduce general education requirements?
   A: No, there has been no change in the support of this cornerstone to CSU undergraduate education, and the amendment does not seek to change CSU General Education-Breadth. EO 1033 allows students to "double count" their American Institutions courses in satisfaction of general education requirements—at either the lower or upper division, per local campus policy. http://www.calstate.edu/EO/EO-1033.html

   Community college faculty are encouraged to require AI courses in fulfillment of both CSU GE-Breadth and AI requirements. When Transfer Model Curricula do not require completion of AI at the community college, CSU faculty are encouraged to use this double-counting provision to fit required AI courses in the upper-division GE in bachelor's degrees that will be paired with CCC transfer degrees.
American Institutions Q and A

4. Q: Why are exceptions to the AI Title 5 requirement being recommended?
A: The recommendations are made in response to the requirements of SB 1440 (Padilla), now Education Code sections 66745-66749.

Based on input from the community colleges, we have learned that there may be cases in which Title 5 on American Institutions—as it is currently written—could cause the CSU to violate Education Code, state law, in cases in which faculty cannot both meet the AI requirement and stay within the 60-unit limit in a SB 1440 bachelor’s degree.

To remedy this, we cannot change the legislation, but the Trustees can amend Title 5.

The amendment is intended to place in Title 5 a provision for the possibility of granting an exception when faculty are unable to negotiate a place for required AI courses within the transfer degree programs as mandated by SB 1440. Exceptions would apply to only a narrow set of conditions, and native CSU students are largely not expected to be affected by exceptions.

To be eligible for an exception, campuses would have to indicate that the following accommodations were not approved on the campus:

- Require AI and reduce the units in the major;
- Require AI by double counting with the major;
- Require AI by double counting with upper-division GE;
- Require AI from within elective units; and
- Require AI and reduce units in campus-specific requirements.

SB 1440 requires the CCC and CSU to develop transfer degree programs that will be implemented beginning in fall 2011. No more than 60 units can be required on the CCC side, and the limit on the CSU side is also 60 units.

Because the American Institutions requirement is unique to a CSU degree, the CCC faculty do not want to require that in all cases the CSU AI requirement courses be taught within the 60 lower-division units required by the CCC.

For cases in which the community college Transfer Model Curriculum (TMC) does not require AI units, and in which the corresponding CSU bachelor's degree requirements cannot fit AI units within the 60-unit limit, an exception could be sought for the Title 5 exception.

5. Q: Why are AI exceptions proposed for high-unit majors and for “hardship”?
A: This provision is parallel to the same exception made possible for general education, in Title 5 40405.4 (a) and (b). The intention is to create consistent policy.

The “demonstrable hardship” case is rarely granted, but it allows the University to grant degrees in extreme cases, including posthumous degrees, for example.
American Institutions Q and A

6. Q: Why extend the exception to student seeking second bachelor's degrees, especially if the students are from foreign countries?
A. Fairness and consistency is the intention behind seeking this amendment. This change would create consistent policy allowing the same exceptions currently allowed for GE to be applied to American Institutions.

This is not an entirely new provision, as a mandatory American Institutions exception is already in effect in Education Code 66055.8 (BSN degrees for students who already hold bachelor's degrees). Fairness is ensured by extending that exception to all students earning a second or subsequent bachelor's degree.

Campuses may extend the AI exception to students whose degrees were not issued by a regionally accredited institution of higher education (most likely that would be foreign institutions); however that exception is not mandated.

7. Q: Will this result in all transfer degrees no longer requiring AI courses?
A: No. Required American Institutions courses are included in the curricula that have been approved, to this point in SB 1440 efforts. However, the business discipline has so far been unable to incorporate AI courses into the transfer degree curriculum, and it is possible that mathematics other disciplines (and specific campuses) may confront the same difficulty when majors require a high number of units or when campus-specific requirements drive up total units in the degree.

8. Q: For the purposes of meeting SB 1440 requirements, can the transfer degree make use of the comprehensive exam to demonstrate competency, instead of requiring the AI courses?
A: Title 5 currently allows students to demonstrate competency this way, and that avenue will continue to be available.

However, the calculation for the total number of units required for CSU bachelor's degree programs currently includes the number of units required to meet the American Institutions requirement, and for transfer completion degrees the calculation will be the same.

It would be misleading to students not to specify the number of units required to satisfy the CSU American Institutions Title 5 requirement. For most students, this amounts to three units of US history and three units of political science.

To make an American Institutions comprehensive exam parallel to the CSU Graduate Writing Assessment Requirement (GWAR):

(1) American Institutions courses in history and political science would have to be required (as are the CSU GE-Breadth courses in Written Communication (Area A2) and Critical Thinking (Area A3)—and

(2) a demonstration of competence would be a requirement for a bachelor's degree (http://www.calstate.edu/eo/EO-665.pdf).
9. Q: The Graduation Writing Assessment Requirement (GWAR) is mandatory and often takes the form of an examination. Sometimes, students have to take additionally writing courses before they can be cleared for graduation; yet these are not considered required courses. In the same manner, can we mandate an AI competency examination in place of requiring AI courses for the purpose of meeting SB 1440 requirements?

A: Requiring an AI examination for transfer degrees rather than requiring the AI courses would mislead students about the total number of units required to complete the transfer degrees because so few students could pass the comprehensive examination without first taking the two-course AI sequence.

Student writing skills are expected to be developed to proficiency in the required composition and critical thinking courses, which are specified among the degree requirements. This is the minimum training required for students in a bachelor's degree.

In the same way, CSU bachelor's degree programs require courses that allow students to develop skills and knowledge in American Institutions. Students must demonstrate competency by either completing the courses or by passing a comprehensive examination. Requiring students to pass an examination without first providing the "comprehensive study" would be unfair.

10. Q: Why has there been little consultation with faculty on this issue?

A: There may not be an awareness of: (1) the ongoing consultation between the Chancellor's Office and statewide senate and (2) the success of the senate in changing the scope of the planned amendment.

Members of the Academic Senate, CSU (ASCSU) participated in negotiation of the SB 1440 legislative process and serve as members of the SB 1440 committee that provides curriculum development and review. These faculty members work with the administration and with community college faculty on SB 1440 implementation. CSU faculty are aware of the need to address the CCC's reluctance to fit AI courses within the CCC requirements in Transfer Model Curricula. More recently, it has become evident that the CSU business faculty are unable to fit AI requirements within the 60-unit CSU apportionment of the transfer degree.

Formal consultation regarding amending the AI Title 5 section began in the days following the March trustees and senate meetings. In the interim, a persuasive statewide academic senate has negotiated with the system administration to achieve a much more narrowly focused recommendation for the amendment of section 40404. The ASCSU Chair made campus faculty aware of the issue through e-mail communication to history and political science chairs, and campus faculty and statewide senators have met with Chancellor's Office representatives to discuss this issue.

The CSU is working to comply with Education code, and a Title 5 provision to allow possible exceptions in specific, narrowly defined circumstances will be recommended for trustee consideration in May. No action is requested at the May meeting; it is scheduled for the July meeting.
This memo formally acknowledges receipt of the above-entitled Academic Senate resolution.