

CALIFORNIA COMMUNITY COLLEGES 3.2
STATE LEGISLATIVE PROGRAM FOR
2009

ACTION

Presentation: *Marlene L. Garcia, Vice Chancellor*
Governmental Relations

Issue

This item presents recommendations for the 2009 State Legislative Program and adoption by the Board of Governors.

Background

The System Office solicited legislative proposals that were presented to a Consultation Council Task Force for review to develop a State Legislative Program. The Consultation Council received recommendations by the Task Force at the November 2008 meeting. The attachment includes staff recommendations and brief descriptions of proposals recommended for inclusion in the 2009 program. If approved by the Board for sponsorship, the Chancellor's Office would seek authors for the following legislative proposals:

- Property Tax Backfill Reduce
- Eliminate Reporting Requirements
- Foster Youth - Residency
- Captioning for Students with Disabilities

Recommended Action

It is recommended the Board of Governors adopt the 2009 State Legislative Program, as presented.

Staff: *Michael Magee, Director/Administrator*
State Governmental Relations

2009 Draft State Legislative Program *Pending Board Approval*

Standing Issues Recommended to go Forward for Sponsorship

- **Property Tax Backfill Reduce**
- **Eliminate Reporting Requirements**
- **Foster Youth - Residency**
- **Captioning for Students with Disabilities**

Issues for Further Development: Proactive Proposals

- **Nursing/Transfer**
- **Green Jobs/Tax Credit**
- **Veterans Issues**
- **Textbooks**

Standing Issues Recommended to go Forward for Sponsorship

Community Colleges Property Tax Backfill

The Legislative Program Task Force approved a proposal to support the system's fiscal integrity by pursuing a legislative proposal for property tax backfill. The details of this proposal would be guided through the Consultation Council's Budget Task Force and the Chancellor's Fiscal Services Division.

Issue: The state has failed to fully fund community college core needs (the unfunded portion of the property tax shortfall and unfunded enrollment growth) and there is a likelihood that the state will continue to fall short of fully funding the system's operational needs to support core programs and services. Without funding to support base costs, the capacity of the colleges to deliver much needed education and training is compromised and the purchasing power of education programs erodes, and with it, erodes the capacity of colleges to serve students.

In 2007-08, community college property tax receipts fell short of the Budget Act estimates by over \$90 million. This property tax shortfall translated into a cut to colleges' general purpose revenues and significantly reduced resources available to support educational services. Property tax budget estimates have not matched actual property tax receipts for colleges for the past five years. While the 2008-09 Budget Act proposes to backfill \$75 million of the shortfall and the legislature provided a partial property tax backfill in 2004-05, the community colleges do not receive an automatic backfill when property tax estimates are wrong. An error in estimating property taxes is only corrected in the following fiscal year and only if the Governor and Legislature agree to provide relief in the form of additional funding.

Proposed Policy Solution: To remove any future funding uncertainty and to avoid mid-year cuts to base programs, there needs to be a statutory change that would provide community colleges with an automatic funding backfill of property taxes, similar to the one currently in place for K-12 school districts.

Reduce/Eliminate Reporting Requirements

The Legislative Program Task Force approved a proposal to support reducing and/or eliminating outdated and unnecessary reporting requirements. This proposal would follow up on the work prepared for prior legislation that identified requirements in budget and statute. A list of reports and modifications recommended for legislation will be provided to the Consultation Council.

Issue: Statutory and Budget Act provisions require the Chancellor's Office to submit dozens of reports to the administration and the state legislature. The distribution requirements are inconsistent, deadlines for some reports do not match data reporting by the colleges, and some reports are no longer needed. Inconsistent distribution requirements result in requiring many reports to be provided to each legislative office when in fact, during the legislative session, only offices overseeing the subject matter review the reports.

Prior legislation was recently vetoed, however, given the worsening budget crisis, and additional cuts to the Chancellor's Office budget, new legislation may be successful.

Proposed Policy Solution: Develop legislative language to infuse consistency of deadlines, appropriateness of distribution requirements, and eliminate reports using the accompanying list. Statute should be modified to limit the required distribution to the Legislative Analyst's Office, the Department of Finance and appropriate committees in the legislature. Electronic distribution should be emphasized to reduce operations costs (printing and mailing).

Foster Youth - Residency

The Legislative Program Task Force approved a proposal to amend statute to simplify the residency determination for foster youth. The statutory changes for this proposal will be provided by the Student Services Division.

Issue: Of the three higher education segments, the community colleges have by far the largest enrollment of students who had previously been in the child welfare system. Improving circumstances for those served by the child welfare system and their successful transition from the system into adulthood and postsecondary education has been a significant focus both nationally and within the state.

While there are many efforts, including true-wraparound services that could help improve outcomes for foster youth in the community colleges, most of those would require a significant influx of funds. The system should identify low or marginal cost efforts that would provide better support to these students and ease their transition into college.

Policy Solutions: This concept primarily addresses the issue of residency determination. California residency for purposes of enrollment in a public higher education system is defined by Education Code and regulated within title 5. If a student is a minor, his/her residency is generally determined by the residency of his/her parents, or an adult with whom the minor had lived continuously for two years (ECS 68080, et. seq.). However, a foster youth is under the care of the courts until she/he either is adopted, ages out of the system (emancipation), or is reunited with a family. Foster youth are frequently placed with kinship care providers as well. As such, the youth do not have access to their parents' information, nor is the residency of the parent(s) necessarily relevant to the student's circumstances.

This issue is most difficult when the youth have aged out of the system after turning 18, and have not yet had the opportunity to establish their own residency for the one year required prior to college enrollment.

This concept proposes a legislative solution that would state that for purposes of California residency, foster youth who were in the child welfare system until age 18 and who have not yet established their own residency (are not yet 19) would retain their residency from that established as a minor (which would be California residency based on a court jurisdiction) until the age of 19 or they otherwise establish residency on their own behalf.

Captioning Copyright Issue for Students with Disabilities

The Legislative Program Task Force approved a proposal to amend statute to provide captioning for students with disabilities. The statutory changes for this proposal will be provided by the Student Services Division.

Issue: "Students with disabilities at colleges and universities are guaranteed equal access to the instruction, information and services provided by those colleges and universities." Both federal law (the Americans with Disabilities Act and sections 504 and 508 of the Rehabilitation Act) and state law (Government Code sections 11135-11139.5) guarantee these rights.

In order to provide equal access to instructional materials, Assembly Bill (AB) 422 was enacted by the state legislature and signed by the Governor in 1999. AB 422 added section 67302 to the state Education Code, which required publishers of instructional materials in California to provide electronic versions of printed materials for use by students with disabilities at public colleges and universities. It also said that non-printed instructional materials would be subject to the same conditions. However, it did not specify audiovisual works which may need captioning or other alterations to make it accessible to some students with disabilities who cannot fully access the original work.

In some cases where captioning or other accessible information is not already available on audiovisual or other type of media, it is necessary for the college to add the captioning to make it accessible for students. Some publishers want written requests from colleges to alter their work, which can take weeks and delay the provision of the material for students. Some publishers only want to give permission to alter the work if they are paid or provide the now-

captioned version by the college. Other publishers never respond to such requests. However, the colleges must still provide access to the material.

Policy Solutions: The California Association on Postsecondary Education and Disability (CAPED) wishes to pursue legislation or some other remedy that would allow what they believe “to be the intent of the ‘fair use’ provisions of copyright law to be put in statute in California.”

Issues for Further Development: Proactive Proposals

- **Nursing/Transfer**
- **Green Jobs/Tax Credit**
- **Veterans Issues**
- **Textbooks**

The Legislative Task Force did not approve the above proposals to move forward at this time. However, staff and Task Force members will continue to follow up on concepts and issues that may be developed into legislation in the future. The Task Force believes that these issues are of great concern to legislators, and therefore it is likely we will see legislation that may be introduced without our prior involvement. We need to be prepared with solutions and amendments that will improve these measures.

- **Nursing/Transfer**
 - Providing a transfer path for nursing students with an ADN to obtain their BSN. Improving the transfer path may not require legislation. Concerns were raised by faculty that would need to be addressed.
- **Green Jobs/Tax Credit**
 - Determining resources and viable proposals needs to continue. Follow up on prior legislation may be preferable to sponsoring legislation.
- **Veterans Issues**
 - Concerns were raised regarding resources. The Chancellor’s Office is pursuing funding at the federal level for counseling and assistance and will need to work with the Department of Veterans’ Affairs.
- **Textbooks**
 - Concerns were raised regarding resources. The Chancellor’s Office may pursue federal funding while at the same time reviewing best practices and innovative approaches such as textbook leasing and progress for developing online education resources.