



## **Final Legislative Actions for the 2009 Session**

*Prepared by the Government Relations Division of the California Community Colleges, Chancellor's Office*

The 2009 Legislative Session has now come to a close with several new bills signed into law that benefit the California Community Colleges, including two bills sponsored by the Board of Governors that help foster youth and deaf and hearing impaired students succeed in college.

The Governor had until midnight on October 11, 2009 to take action on the 700-plus bills remaining on his desk. In the final hours, the Governor signed more than 600 bills after threatening that he would veto all bills if the Legislature did not make sufficient progress in resolving the water issue. Given the challenging fiscal and political environment, the Governor's actions generally have boded well for the community colleges, as many of our high priority bills were chaptered, including the following two Board of Governors sponsored bills.

On October 14, 2009, during a special session, the Senate convened a regular session and voted on bills that were not sent to the Governor by the September 11, 2009 deadline. Among the bills that were heard and voted on was AB 187 (Committee on Budget), the Cal Grant Decentralization bill. AB 187 passed the Senate on a vote of 33-2 and is expected to be taken up by the Assembly next week. The Governor will have 12 days after receiving bills from the "regular" session that pass the Legislature while they are in special session.

**Assembly Bill 386 (Ruskin)** makes California the first state in the country to require text book publishers and/or copyright holders to provide captioned audiovisual materials for deaf and hearing impaired college students. The new law also establishes a process that grants permission to colleges and universities to caption audiovisual materials, if the publisher or copyright holder cannot provide the captioning in a timely manner and establishes numerous copyright protections. Current state and federal equal access laws require publishers to provide instructional materials in Braille, but are not required to provide captioned materials for audiovisual works. This new law provides colleges the copyright protection they need to meet state and federal equal access laws for students with disabilities.

The Chancellor's Office worked closely with advocates from within the disabled student community and with representatives from the publishing industry to develop legislation that will serve as a national model for other states struggling to meet the needs of deaf and hearing impaired college students, while not violating copyright laws.

**Assembly Bill 669 (Fong)** permits the California Community Colleges, the University of California and the California State University to classify a recently emancipated foster student as an in-state resident for purposes of establishing student fees, until the student establishes his or her own residency after one-year and one day. Currently, a recently emancipated foster youth would have had to establish residency based on their biological parents' residency, which often poses a major obstacle. This new law will make a simple, but significant change to help former foster youth pursue their college education without facing the sticker shock of paying significantly higher out-of-state fees.

In addition to the Board of Governors sponsored bills, the Governor signed **AB 1295 (Fuller)**, a measure that helps streamline the process for community college students who receive an Associate Degree in

Nursing to transfer to a California State University (CSU) Bachelor in Nursing (BSN) program. The new law calls for the California Community Colleges (CCC) to work with the CSU in developing a common curriculum that eliminates any repetition for the student in the BSN program. Designated representatives from the CCC and CSU also will work with the Governor's Nurse Education Initiative Task Force to ensure proper educational capacity to train nurses in California.

**AB 37 (Furatani)** was signed into law requiring the CCC, CSU and UC to develop a mechanism to confer honorary degrees upon Japanese Americans who during World War II were forced to leave college to relocate to Japanese internment camps. This new law requires the segments to address the technical issues associated with conferring an honorary degree and not identification of the individuals being considered for these degrees.

The Governor signed **SB 19 (Simitian)** into law, which makes several statutory changes related to the collection, reporting and use of education data and addresses issues related to California's compliance with federal "Race to the Top" funding requirements. Specifically, the bill deletes a provision in California statute that prohibits the use of student achievement and performance data as a factor in evaluating teacher performance, removing one barrier for California in competing for Race to the Top dollars. California is one of a few states that explicitly prohibits use of student achievement data to assess teacher performance. Race to the Top funding provides \$4.9 billion in new federal, one-time funding to be dispersed on a competitive basis to K-12 schools that work collaboratively with higher education segments to increase student success. The remaining Race to the Top issues are expected to be addressed in a special session this fall.

## Summary of Governor's Actions on Key Bills Approved by the Legislature

### Assembly Bills:

#### [AB 37 \(Furatani\)](#) Public Postsecondary Education: Honorary Degrees.

**Summary:** AB 37 requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, to work with their respective colleges and universities to confer an honorary degree upon each person, living or deceased, who was forced to leave his or her postsecondary studies as a result of Federal Executive Order 9066 which caused the incarceration of individuals of Japanese ancestry during World War II. **Position:** *Support*

**Status:** Signed by the Governor.

#### [AB 386 \(Ruskin\)](#) Public Postsecondary Education: Instructional Materials: Disabled Students.

**Summary:** AB 386 requires that publishers of audiovisual instructional materials used at colleges and universities must provide captioning or other alterations to make these materials accessible to students with disabilities. The latest version of the bill reflects a negotiated agreement between the publishing industry, the Community College Chancellor's Office, the Department of Finance and the author. The bill requires a publisher or copyright holder of instructional materials to either: 1) provide a captioned format of audiovisual instructional materials directly to the student, the instructor or the institution; or 2) provide the higher education institution an electronic format, if available, of the instructional material. If the publisher or copyright holder does not provide access or respond to a request for captioned material within a specified period of time, the institution is deemed to have received permission to caption the material. The bill also specifies a variety of copyright protections for use of the covered material. **Position:** *Sponsor*

**Status:** Signed by the Governor.

**[AB 669 \(Fong\)](#) Postsecondary Education: Residency Requirements – Foster Youth.**

**Summary:** AB 669 authorizes community colleges to allow emancipated foster youth who are age 19 and under to pay the resident tuition and fees rate at public colleges and universities. In order to be considered a California resident for purposes of paying in-state college fees, students must have resided in the state for at least one year and one day prior to starting college. This bill authorizes districts to waive this requirement. The Chancellor's Office has worked closely with the Department of Finance on amendments to minimize costs and address their concerns. **Position:** *Sponsor*

**Status:** Signed by the Governor.

**[AB 774 \(Cook\)](#) Community College Districts: Transportation Fees.**

**Summary:** AB 774 extends existing law to allow all California Community College Districts to charge a fee to students or students and employees in order to fund transportation services, if specified requirements are met. Under current law, only three districts had this authority in statute: the Los Rios, Peralta, and Rio Hondo Community College Districts. The fee may be charged only to students and employees who use the service or the fee may be charged to all if there is a favorable majority vote of the affected groups.

**Status:** Signed by the Governor.

**[AB 1182 \(Brownley\)](#) Public Postsecondary Education: Reporting Requirements.**

**Summary:** AB 1182 attempts to reduce and restructure statutory reporting requirements for the UC, CSU, and CCC systems by eliminating some duplicative reports and modifying other requirements. The Chancellor's Office expressed earlier concerns that the bill may actually increase workload and reporting for capital outlay reporting requirements. In response, the author amended the bill to remove the language that would have created additional workload for the Chancellor's Office. AB 1182 deletes specified capital outlay reporting requirements and replaces it to reflect current reports.

**Status:** Signed by the Governor.

**[AB 1295 \(Fuller\)](#) Postsecondary Education: Nursing Degree Programs.**

**Summary:** This bill helps streamline the transfer pathway for community college students who earn their Associates Degree in Nursing (ADN), are licensed as a registered nurse and who apply to a California State University to complete a Bachelor of Science in Nursing (BSN). The bill requires the Chancellors of the CSU and the Community College to appoint a work group to devise a plan that establishes ADN to BSN statewide transfer framework ensuring that community college students do not have to take duplicative course work. The CSU is supported this bill. **Position:** *Support*

**Status:** Signed by the Governor.

**[AB 1393 \(Skinner\)](#) Foster Youth. Student Housing Facilities.**

**Summary:** For community colleges that have campus housing available to students, AB 1393 requests colleges to provide current and former foster youth first priority for housing. For campuses that offer year-

round housing, this bill also requests that they give foster youth priority. Currently, the colleges do not have a policy to give former foster youth priority for housing. **Position:** *Support*

**Status:** Signed by the Governor.

**[AB 1394 \(Bass\)](#) California Workforce Investment Board: Green Collar Jobs Council.**

**Summary:** AB 1394 authorizes the Green Collar Jobs Council (Council), a subcommittee of the state's Workforce Investment Board, to accept funds from federal and state governmental entities, local philanthropic organizations, and other sources for support of California's Green Collar industries. The bill would require the Council to confer with appropriate state and local agencies, including community colleges, to coordinate distribution of various green workforce training funds received by the state through the Federal American Recovery and Reinvestment Act of 2009. **Position:** *Support*

**Status:** Vetoed by the Governor.

**[AB 1400\(Fong\)](#) Community colleges: expulsion: hearing.**

**Summary:** AB 1400 would permit a California Community College District to deny admission to a student who has been expelled from another district for committing a serious crime, such as murder, sexual assault, robbery or extortion, upon a finding through a district-held hearing that the student continues to pose a significant risk to the public safety of students and employees of the district. **Position:** *None Taken*

**Status:** Vetoed by the Governor

*Governor's veto message in part: ... I am very supportive of the intent of this bill to maintain the safety and well being of all students attending California Community Colleges (CCC). However, as drafted, the bill creates an uneven standard between students who could be denied admission because of criminal acts they may have committed in the past. Since I am committed to having community colleges be both safe places for quality education, as well as open institutions of hope for all students, I am asking the CCC Board of Governors to work in collaboration with CCC Chancellor Scott to work on a policy that will most effectively address this issue for the campuses...*

**[ABX4 12 \(Evans\)](#) State Government (Budget Revision/National Guard Education).**

As part of the July 2009 revision to the Budget Act, the California National Guard Education Assistance Award Program was established to provide college financial assistance to qualifying members of the California National Guard, the State Military Reserve, and the Naval Militia. Beginning January 1, 2010, California qualifying individuals will be eligible to receive a financial aid grant that equals the amount of a Cal Grant A or B award, if the applicant has met a series of requirements developed by the Adjutant General of the California National Guard. This award does not require eligible persons to meet an economic means test.

**Status:** Chaptered into law: *Chapter 12, Statutes of 2009.*

**[ACR 65 \(Ruskin\)](#) Joint Committee on the Master Plan for Higher Education.**

**Summary:** ACR 65 establishes the Joint Committee on the Master Plan for Higher Education. The measure would provide that the joint committee would consist of a number of Assembly Members and Senators to be determined by the Speaker of the Assembly and the Senate Committee on Rules. The committee would be established to review the Master Plan for Higher Education and create a framework to ensure that higher education continues to thrive.

**Status:** Chaptered.

## Senate Bills:

### **[SB 19 \(Simitian\)](#) Education data / Federal “Race to the Top” American Recovery and Reinvestment act of 2009 (ARRA) Funding**

**Summary:** SB 19 makes several statutory changes related to the collection, reporting and use of data. Recent amendments were made to enable California to qualify for specific one-time ARRA funding. Among other issues, this bill deletes a provision in California statute that prohibits the use of student achievement and performance data as a sole factor or one of many factors in evaluating teacher performance or making other employment decisions related to individual teachers.

This change in law would permit California to gain eligibility to compete for a grant from the \$4.35 billion federal “Race to the Top” ARRA funding. SB X5 1 and SB X5 2 are virtually the same bills as SB 19, but have been introduced in a special session.

**Status:** Signed by the Governor.

### **[SB 218 \(Yee\)](#) Public Records: State Agency: Auxiliary Organizations.**

**Summary:** This bill requires the UC, CSU and Community College Foundations to be subject to the California Public Records Act (CPRA). Several districts have stated that local community college foundations already comply with the CPRA. The statewide Foundation for California Community Colleges, which was recently amended into the bill in the Assembly Appropriations Committee, has expressed concerns that the bill would divert critical resources away from their primary goal of raising charitable funds to support the largest scholarship endowment for California low-income students attending a community college. The scholarship program was established upon receiving a generous \$50 million commitment, launched with an initial \$25 million gift from the Bernard Osher Foundation in the Spring of 2008. In order to secure the full \$50 commitment, the Foundation has until June 2011 to raise \$50 million in matching funds. This is a very ambitious goal and one that the Foundation is 100 percent committed to achieving. **Position:** *Oppose*

**Status:** Vetoed by the Governor.

### **[SB 361 \(Runner\)](#) Public Postsecondary Education: Priority Registration: Armed Forces and State Military.**

**Summary:** This bill makes changes to existing law giving veterans priority registration at a California State University or California Community College. The bill prohibits those who received a “dishonorable” or “bad conduct” discharge from receiving priority registration. SB 361 also adds the California National Guard to the applicant pool for priority registration. **Position:** *Support*

**Status:** Signed by the Governor.

### **[SB 511 \(Committee on Education\)](#) Education.**

**Summary:** SB 511 is a committee “omnibus” bill that makes minor corrections to statute. For community colleges, this bill makes the part-time assignment threshold for nursing faculty consistent with other faculty. AB 591 was passed in 2008 to allow all part-time faculty to teach up to 67%. Previously, in 2006, SB 1309

provided an exemption for part-time nursing faculty that conflicted with AB 591. SB 511 resolves this conflict.

**Status:** Signed by the Governor.

**[SCR 34 \(Ducheny\)](#) Community colleges: extended opportunity programs.**

**Summary:** SCR 34 designates the month of October 2009 as Extended Opportunity Programs and Services Month to honor the mission and purposes of the Extended Opportunity Programs and Services.

**Status:** Chaptered.