



California Community Colleges Government Relations Legislative Update September 2009

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Legislative Update for September 2009

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After a long and rancorous end of session, the State Legislature adjourned its regular legislative session for the year in the wee hours Saturday morning, September 12, 2009. Many of the most pressing issues before the Legislature went unresolved and numerous two-thirds vote bills got caught in a partisan battle, failing passage because Republicans withheld their votes in reaction to other unsettled matters. In addition, the Governor threatened to veto all legislation reaching his desk if the Legislature did not approve legislation that addresses reductions in the prison population, California's water crises, and an alternative energy package. The legislature approved a scaled-down prison bill, an energy bill that is not expected to meet the Governor's requirements, and ran out of time before it could reach agreement of a state water bill. It is not clear whether these legislative efforts will be sufficient for the Governor to sign bills in the next 30 days that have reached his desk.

This has been anything but an ordinary year. The Legislature approved over \$30 billion in budget cuts this year alone – first, by approving an unprecedented 18-month budget in February and then approving a follow-up budget revision in July to address the continuing erosion of the state's fiscal condition. In addition to the regular session, the Governor has called several Extraordinary Special Sessions to address a variety of critical issues, including how to resolve the state's chronic budget shortfall. A special session can only consider items related to the issue for which the session has been called.

This fall, there is every expectation that the Legislature will convene additional Special Sessions to address California's faltering water system, how to best compete for \$4.9 billion in new federal education "Race to the Top" funding, a set of recommendations presented by the Governor's *Commission on the 21st Century Economy* to create a more stable tax revenue system for the state. As of yet, there are no set plans for how and when these special sessions will convene. Besides being confusing, these special sessions provide a mechanism for the Legislature to conduct emergency business through the recess.

Even though this has been a challenging fiscal year, the community colleges were able to secure passage of several important policy measures. The two Board of Governor's sponsored bills have been approved by the Legislature this week and are on their way to the Governor's desk. After extensive negotiations with the Department of Finance, these two bills are in a strong position to be signed into law by the Governor.

- **AB 386 (Ruskin)** would make California the first state in the country that requires publishers to provide captioned materials or audiovisual materials for deaf and hearing impaired college students to comply with state and federal equal access laws for disabled college students without infringing on copyright protections. All of the major publishers support this bill and have worked collaboratively with the author and the Chancellor's office in drafting a measure that helps the colleges give all students equal and timely access to course materials. All the segments of higher education also support the bill.
- **AB 669 (Fong)** permits the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC) to classify a student as a resident for tuition or fee purposes until he or she has resided in the state for the minimum time needed to become a resident, if the student: 1) currently resides in California, 2) is 19 years of age and younger, and 3) was a ward of the state or was served by California's child welfare system.

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. Emancipated foster youth who have not been under the care of an adult for at least two years are not able to establish their own legal residency and would have to pay out-of-state fees. The bill waives this requirement and removes a major barrier for foster youth to go to college.

Additionally, a few other bills are worth noting. Both houses have approved a significant bill that promotes and streamlines the transfer process for community college Associate Degree Nursing (ADN) students seeking to pursue a Bachelor of Science Degree in Nursing (BSN) from a CSU campus. **AB 1295 (Fuller)** requires the Chancellor's of both the CSU and the California Community Colleges to appoint a working group to devise a plan that facilitates a smooth transfer process for community college ADNs. The bill specifies that the plan prohibit the CSU from requiring BSN students to take repetitive upper division courses that the student has already taken at a community college and from retaking prerequisite courses. The plan must be implemented by 2012.

Community colleges train 70 percent of all ADN practitioners in the field. In order to promote upward mobility and respond to the growing demand for nurses with a BSN and nursing faculty, community college registered nurses are a ready pool to participate in BSN programs.

Lastly, the Legislature failed to approve **AB 187 (Budget Committee)**, a two-thirds vote urgency bill that would have re-appropriated \$4.3 million vetoed out of the California Student Aid Commission's (CSAC) budget in July and would have established a limited alternative Cal Grant delivery pilot project. This is one of the bill's that got caught in the two-thirds vote partisan squabble. The pilot project was a negotiated agreement between both Houses of the Legislature and the Administration as an alternative to pursuing a comprehensive Cal Grant decentralization effort. The pilot project was agreed to as a way to restore CSAC funding and begin an incremental approach to decentralizing the Cal Grant program. The pilot project would not go into effect until March 2011. This bill is a possible candidate for consideration in the special session on education.

For a status update on all bills tracked by the Chancellor's Office, go to:
<http://www.cccco.edu/ChancellorsOffice/Divisions/GovRelations/LegislativeUpdates/>
Click on matrix, PDF.

The following provides a summary of significant bills being tracked by the Chancellor's Office.

Assembly Bills:

[AB 37 \(Furutani\)](#) 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: AB 37 passed both houses without a "no" vote and was sent to the Governor on August 31, 2009.

[AB 187 \(Assembly Budget Committee\)](#) Cal Grant Decentralization

Summary: This bill establishes a pilot project for the decentralization of the Cal Grant A and B Entitlement program on at least a total of 30 CCC, CSU, and UC college campuses and not more than 35 campuses. The California Student Aid Commission (CSAC) would continue to administer all other programs, including Competitive Cal Grants and Cal Grant Cs. Each segment is limited to the participation of 25% of their

campuses (approximately 27 community colleges). CSAC will convene a task force with the segments to determine the specific requirements of the programs. This pilot program will be implemented in March 2011. The Legislative Analyst's Office will report on the program's implementation. The measure restores \$4.3 million to CSAC's budget.

Status: AB 187 remained in the Senate at the close of the session.

[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: AB 386 passed both houses and concurrence and will soon be sent to the Governor.

[AB 440 \(Beall\)](#) California Community Colleges: Student Transfer.

Summary: This bill authorizes California community colleges to offer an associate degree with the special designation of "for transfer." The special designation "for transfer" would be provided to students who have met the degree requirements for their major and are transfer ready. Each year about 100,000 community college students transfer to a four-year baccalaureate institution, but only about half receive an A.A. degree. This bill was intended to boost the number of transfer ready students who receive A.A.'s.

Status: AB 440 failed passage in the Senate Education Committee on a vote of 4-3 (needed 5 votes). AB 440 may be reconsidered next year.

[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. The Chancellor's Office has worked closely with the Department of Finance on amendments to minimize costs and address their concerns. **Position:** *Support/Sponsor*

Status: AB 669 passed both houses without a "no" vote and Senate amendments were concurred in the Assembly. AB 669 will soon be sent to the Governor.

[AB 867 \(Nava\)](#) California State University: Doctor of Nursing Practice Degree.

Summary: This bill would authorize the California State University to award a Doctor of Nursing Practice degree. The program would focus on the preparation of clinical faculty to teach in postsecondary nursing education programs and training nurses for advanced nursing practice or leadership. If CSU creates a degree pursuant to this bill, it would be required to report annually on the status of the program to the California Postsecondary Education Commission, the Legislative Analyst's Office, and legislative budget subcommittees. **Position:** *Support*

Status: This bill was held in the Senate Appropriations Suspense File after passing in the Assembly, and the Senate Education Committee.

[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. In response, the author amended the bill to remove the language that would have created additional workload for the Chancellor's Office.

Status: AB 1182 passed both houses and concurrence and will soon be sent to 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 Chancellor's 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 supporting this bill. **Position:** *Support*

Status: AB 1295 passed both houses and concurrence and will soon be sent to 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: AB 1394 passed both houses and is awaiting transmittal to the Governor.

[AB 1585 \(Committee on Accountability and Administrative Review\)](#) State Government: Reporting Requirements: Required Repealer.

Summary: The Legislative Counsel's Office is required to keep copies of all reports that state agencies are mandated to submit per legislation. This bill removes 1,200 reports that are out-of-date, and no longer required, including 15 reports the Chancellor's Office is required to submit.

Status: AB 1585 passed the Assembly and was referred to Senate Committee on Governmental Organization. AB 1585 remained in the Senate at the close of the session.

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

Summary: 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.

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

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 different special sessions.

Status: SB 19 passed both houses and concurrence and will soon be sent to 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 (Foundation), 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 2008. In order to secure the full \$50 million 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: SB 218 passed both houses with one “no” vote in the Senate. Assembly amendments were concurred. SB 218 was sent to enrollment to then be sent to 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 Colleges. 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: SB 361 passed both houses without a “no” vote and Assembly amendments were concurred. SB 361 was sent to enrollment to then be sent to the Governor.

STATE LEGISLATIVE HEARINGS

Joint Hearing of Senate Committee on Education and Subcommittee No.1 of the Budget and Fiscal Review Committee “Race to the Top or Lost in Space? California’s Response for Federal Stimulus Funding” (August 26, 2009)

The focus of the hearing was to examine the issue of whether California teachers should be evaluated based on the performance and achievement scores of their students. Currently, this practice is explicitly prohibited in state statute.

U.S. Secretary of Education Arne Duncan has indicated that California will not be eligible to apply for the \$4.35 billion in federal “Race to the Top” funds because teacher evaluations are prohibited from being tied to student performance as measured through standardized testing. The Governor has called a special session to address this issue and several bills have been introduced to make this change.

At the hearing, teacher unions expressed strong concern about making this change in current law. They believe that implementing a large reform, such as this, for the sake of securing one-time federal dollars is a drastic step.

This issue has implications for community colleges as well. The “Race to the Top” grant could draw close to \$500 million in new funding to California. The guidelines require the Governor to submit grant that takes an intersegmental approach to addressing educational reform.

Select Committee on Community Colleges- “Federal Economic Spending and Workforce Development” *(August 25, 2009)*

The purpose of the hearing was to examine the overall working relationship between the state’s Workforce Investment Boards (WIBs) and the community colleges. Jose Milian, Vice Chancellor for Economic Development and Workforce Preparation testified on behalf of the community colleges and their collaboration with WIBs. Jennifer Mitchell from California Workforce Association (CWA) spoke on the importance of these partnerships. The Workforce Investment Act (15% Governor Funds) funds that the Chancellor’s Office issues for Allied Health emphasize partnerships. In the upcoming reauthorization for WIA, CWA expressed support for continuing to grant community colleges an exemption in the contract process.