

**AGENDA**  
**Consultation Council**  
**Thursday, April 18, 2019**  
**9:30 a.m. to 1:00 p.m.**  
**Chancellor's Office ~ 3<sup>rd</sup> Floor**  
**Room: Hub Conference Room 2**  
**1102 Q Street**  
**Sacramento, CA 95811**

**The items on this agenda will be discussed at the upcoming Consultation Council Meeting.**

- 1.** Chancellor's Office Update
- 2.** Student Senate Update
- 3.** Emergency Regulations on Funding for Districts Experiencing Emergencies
- 4.** Credit for Prior Learning Regulation Changes
- 5.** Non-Credit Regulation Changes
- 6.** Climate Change Resolution
- 7.** U.S. Census Resolution
- 8.** Recommendations Related to the Student Centered Funding Formula
- 9.** Report of the Workgroup on Regulations
- 10.** State and Federal Update
- 11.** Other

**Future 2019 Meeting Dates:**

May 16, 2019  
June 20, 2019  
July 18, 2019  
August 15, 2019  
September 19, 2019  
October 17, 2019  
November 21, 2019 (CCLC Annual Convention in Riverside, CA)  
*December – No Meeting*



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**Item 2 Title:** Student Senate Update

**Date:** April 18, 2019

**Contact:** Iiyshaa Youngblood, President Student Senate California Community Colleges  
Michelle Hua, Vice President of System Affairs

## ISSUE

The Student Senate for California Community Colleges will provide the Consultation Council members with an update on the Student Senate for California Community Colleges’ (SSCCC) current initiatives, legislative stances, and system participation as well as the current status of the board.

## BACKGROUND

The SSCCC will present the council with an update on actions taken by the board since the previous Consultation Council meeting as well as concerns raised by the board and constituents, including, but not limited to, legislation and the state of the SSCCC.

- Student Senate Priorities
  - AB 1504 (Medina), an amendment to Ed Code to implement the 2SRF as an opt fee on all CCC campuses
  - SSCCC Strategic Plan: One, three, and five year plan for growth and sustainability
  - Exploring SSCCC structural changes: Executive, Board of Directors, and Regional
- Legislative and Advocacy
  - Sponsor of AB 1504 (2SRF as opt out on all CCC campuses)
  - Co-Sponsor AB 302 (Homeless Student Parking), AB 381 (Title IX training), SB 150 (Better administration of the Chaffee Grant)
  - Joint advocacy efforts with UCSA and CSSA on basic needs, total cost of attendance, summer Cal Grant, and expanding access to the Cal Grant (support for multiple bills aligning with these priorities)
- Events
  - SSCCC Town Halls (April)
  - Press Conference/State Committee Hearing on AB 302 (April 2<sup>nd</sup>)
  - Spring General Assembly (April 5<sup>th</sup>-7<sup>th</sup>)
  - State Capitol Advocacy (May)

## FEEDBACK/QUESTIONS FOR COUNCIL

This item is presented for informational purposes.



# CONSULTATION COUNCIL | Digest

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**Item 3 Title:** Emergency Regulations on Funding for Districts Experiencing Emergencies

**Date:** April 18, 2019

**Contact:** Christian Osmeña, Vice Chancellor of College Finance & Facilities Planning

## ISSUE

This item seeks feedback on changes to existing regulations related to apportionments to districts experience various emergencies. The Chancellor’s intent is to present these emergency regulations to the Board of Governors (BOG) for adoption at the May 2019 Board meeting.

## BACKGROUND

Existing law authorizes the Board of Governors to provide leadership and direction and exercise general supervision over the California Community Colleges. In so doing, existing regulations provide the Chancellor the authority to grant a funding allowance to districts experiencing emergency conditions caused by fires, floods, impassible roads, military order, and other extraordinary conditions. These provisions allow a district experiencing an emergency to receive the apportionment it would have received had the emergency not occurred.

Existing regulations contemplate the Chancellor’s Office making determinations related to the number of full-time equivalent students (FTES) a district would have generated had the emergency not occurred. However, with the enactment of the Student Centered Funding Formula (SCFF), which consists of a base allocation, a supplemental allocation, and a student success allocation, other factors that affect a district’s funding may be affected during an emergency. Further, existing regulations contemplate that the Chancellor’s Office would be making these accommodations for a single year, when an emergency could affect the college’s funding over a longer-term period.

These amendments clarify the Chancellor’s authority to make these accommodations in an emergency and enact broader references to allow for interpretations that are consistent with the new SCFF.

## FEEDBACK/QUESTIONS FOR COUNCIL

The Chancellor’s Office is seeking general feedback that can be used to make any necessary amendments prior to the Board of Governors meeting in May.

**ATTACHMENTS:** BOG Proposed Revisions of Emergency Conditions Allowance (Attachment 1).

## Item 3, Attachment 1

### BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS OF EMERGENCY CONDITIONS ALLOWANCE

#### California Code of Regulation

#### Title 5. Education

#### Division 6. California Community Colleges

#### Chapter 9. Fiscal Support

#### Subchapter 2. Limitations on State Aid

#### Article 5. Other Limitations

1. Section 58146 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

**58146. Emergency Conditions Allowance for Districts Unable to Maintain School for Prescribed Time; Full-Time Equivalent Student General Purpose Apportionments Materially Decreased.**

- (a) A district which is prevented from maintaining its schools during a fiscal year for at least 175 days, as required by title 5, section 58142, because of emergency or other extraordinary conditions as provided in subdivision (b), ~~fire, flood, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war, or because of other extraordinary conditions, or because of the inability to secure or to hold an instructor, or because of the illness of the instructor, where the lack of an instructor would close a college, which fact shall be shown to the satisfaction of the Board of Governors by the affidavits of the members of the governing board of the district, shall receive the same~~ general purpose apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 175 days.
- ~~(b) Where a community college in a district maintaining more than one community college is closed for a part of a term by order of a city or county board of health or of the State Board of Health, or because of fire, flood, impassable roads, epidemic, or other emergency, or by an order provided for in (a), the full time equivalent student of the community college shall be estimated separately, as provided in (c), and added to the full time equivalent student of the other community colleges of the district.~~
- ~~(c)~~(b) Whenever the general purpose apportionments calculated pursuant to Education Code section 84750.4 or 84750.5 full time equivalent student of any district during any fiscal year has been materially decreased during any fiscal year ~~because of, including future fiscal years~~

as determined by the Chancellor, the district may be eligible for an emergency conditions allowance for the following situations:

- (1) fire,
  - (2) flood,
  - (3) impassable roads,
  - (4) an epidemic,
  - (5) the imminence of a major safety hazard as determined by the local law enforcement agency,
  - (6) a strike involving transportation services to students provided by a nondistrict entity,
  - (7) the unavailability of classroom facilities leased by the district where the unavailability commences July 1, 2005, or thereafter and is caused by extraordinary factors wholly external to and beyond the control of the district, or
  - (8) an order provided for in (a), the inability to secure or to hold an instructor, or because of the illness of the instructor, where the lack of an instructor would close a college,
  - (9) any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war, or
  - (10) other emergency or extraordinary conditions as determined by the Chancellor.
- (c) The facts demonstrating the applicability of one of the circumstances described in this subdivision ~~(b)~~ shall be established to the satisfaction of the Chancellor by affidavits of the members of the governing board of the district. The ~~funding workload measures~~ emergency conditions allowance of the district for the fiscal year, ~~or years,~~ shall be estimated pursuant to a process established by the Chancellor ~~by the Board of Governors~~ in such manner as to credit to the district from the State School Fund approximately the total which would have been credited to the district had the emergency, as provided in subdivision (b), not occurred, ~~or had the order not been issued.~~ The provisions of this section shall apply to any ~~funding workload measure~~ general purpose apportionments calculated pursuant to Education Code section 84750.4 or 84750 which occurs during any part of a fiscal year, which decreased due to the emergency condition as provided in subdivision (b).
- (d) Where a community college in a district maintaining more than one community college is closed for a part of a term by order of a city or county board of health or of the State Board of Health, or because of fire, flood, impassable roads, epidemic, or other emergency, or by an order provided for in subdivision (a), the full-time equivalent student of the community college shall be estimated separately, as provided in subdivision (c), and added to the full-time equivalent student of the other community colleges of the district.
- ~~(d)~~(e) As a condition to receiving the credit under subdivision (c), the district must demonstrate to the satisfaction of the Chancellor that it made good faith efforts to seek alternate facilities that were unaffected by the circumstances described in subdivision ~~(e)~~(b).
- ~~(e)~~(f) ~~No credit under subdivision (c)~~ emergency conditions allowance will be allowed for the unavailability of leased facilities for more than one full term beyond the term in which the facilities become unavailable as beginning of the circumstances described in subdivision (c) unless authorized by the Board of Governors.

Note: Authority cited: Sections 66700, 70901 and 84750.4 and 84750.5. Education Code.  
Reference: Section 70901, Education Code.





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**Item 4 Title:** Credit for Prior Learning Regulation Changes

**Date:** April 18, 2019

**Contact:** Alice Perez, Vice Chancellor of Educational Services

## ISSUE

Two 2018 laws indicate the legislature’s ongoing interest in Credit for Prior Learning (CPL). One law (SB 1071) requires the system to implement a consistent policy to award credit for veteran and military students using their Joint Services Transcripts. This law, while a welcome catalyst for CPL in the system, would impact a limited population. In fall 2017, about 33,000 veterans and active-duty military (any age) were enrolled in a California community college. When looking at the broader potential student population (6.8 million Californians age 25-54 with less than an associate degree), about 272,000 have military experience. This indicates that the legislature’s focus on CPL for veterans and military excludes the vast majority of California workers. A second law (AB 1786) requires an initiative to expand the use of course credit at the California Community Colleges for students with prior learning, with a report due to the legislature in January 2020. These proposed title 5 revisions are going to the Board of Governors for a first reading at its May Board meeting.

## BACKGROUND

As demonstrated in approximately 24 other states’ higher education systems and affirmed in research, expanding CPL policy and practice can increase the impact of CPL on student success while ensuring quality, integrity, and equity in the award of credit. The Lumina Foundation provided funding to the Success Center at the Foundation for California Community Colleges to create a policy and resource infrastructure to expand CPL in our system. The initiative—led by Vice Chancellor Alice Perez with the support of the Success Center—convened a statewide CPL Advisory Committee to inform recommendations that will help students have more equitable opportunities to earn CPL. The committee comprised of 24 stakeholders from within the system including appointees from the Academic Senate and representatives of faculty, articulation officers, counselors, CIOs and other roles, and representatives from CSU, UC, and workforce. The initiative produced recommendations of state-level actions to expand CPL and recommended guidance for districts and campuses.

Title 5 Changes. Among other state-level actions, the committee recommends that the system revise Title 5 Section 55050 to achieve the following goals:

- Create one umbrella CPL policy that expands types of prior learning assessments available to students beyond credit by exam.

- Create a consistent process to automatically refer eligible students to faculty for prior learning assessment, placing more burden on institutions than students, and creating more equity in process and opportunity.
- Require CPL for general education (GE) or program courses first, and electives as a last resort, as necessary to support the student's goals.
- Require that policies and procedures be accessible to all stakeholders.
- Give students an opportunity to accept or deny credit awards, which helps them protect their financial aid or GI Bill benefits.
- Condense all district policies related to credit for prior learning into one comprehensive policy to simplify CPL for all stakeholders.

On March 14, 2019, the California Community Colleges Curriculum Committee (5C) approved the draft regulation changes to be forwarded to the Consultation Council. 5C makes recommendations and provides guidance to the Chancellor's Office on local and regional implementation of curriculum policy and regulations. 5C is responsible for the development and revision of all title 5 regulations related to curriculum and instruction.

As a joint initiative of the Chancellor's Office and the Academic Senate for California Community Colleges, a pilot will launch in fall 2019 to help operationalize one form of prior learning assessment. Approximately 30 faculty in seven disciplines will create "cross-walks" that result in credit recommendations for students who gained college-level skills and knowledge through related military or industry training or certification programs. This pilot will result in cross-walks in seven disciplines that can be shared with statewide faculty and used for multiple students with the same training credentials, and a model process that can be applied by faculty across new disciplines. Disciplines were identified according to the following criteria: 1) popularity among veteran/military and adult (age 25+) students, according to the California Community Colleges Chancellor's Office completion data (2015-17); 2) alignment with the priority sectors of the Workforce and Economic Development division, which are based on job growth and wage gains; and 3) alignment with industry certifications and/or standardized workplace training. The disciplines are:

- Administration of Justice
- Automotive Technology
- Business Administration and Management
- Cybersecurity
- Fire Science
- Health
- Information Technology

## FEEDBACK/QUESTIONS FOR COUNCIL

The Chancellor's Office is seeking general feedback that can be used to make any necessary amendments prior to the Board of Governors meeting in May.

**ATTACHMENTS:** Credit for Prior Learning title 5 Draft Recommendations (Attachment 1).

## Item 4, Attachment 1

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### BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS OF CURRICULUM AND INSTRUCTION 4-8-19

1. Section 55050 of article 5 of subchapter 1 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

#### § 55050. ~~Credit by Examination~~Credit for Prior Learning.

(a) The governing board of each community college district shall adopt and publish policies and procedures pertaining to credit for prior learning. ~~including by examination in accordance with the provisions of this section. The policies and procedures shall be transparent and accessible to all stakeholders, published at least in college catalogs. Procedures for students to attain credit for prior learning shall include, but not be limited to, opportunities for students to be assessed through credit by examination, evaluation of Joint Services Transcripts, evaluation of student-created portfolios, evaluation of industry-recognized credential documentation, and standardized exams.~~

(b) The governing board may grant credit to any student who satisfactorily passes an ~~examination~~ assessment approved or conducted by proper authorities of the college. ~~Such credit may be granted only to a student who is registered at the college and in good standing and only for a course listed in the catalog of the community college. For purposes of this section, “assessment” means the process that faculty undertake with a student to ensure the student demonstrates sufficient mastery of the course outcomes as set forth in the course outline of record. “Sufficient mastery” means having attained a level of knowledge, skill, and information equivalent to that demonstrated generally by students who receive the minimum passing grade in the course.~~

(c) The nature and content of the ~~examination~~ assessment shall be determined solely by faculty in the discipline who normally teach the course for which credit is to be granted in accordance with policies and procedures approved by the curriculum committee established pursuant to section 55002. The faculty shall determine that the ~~examination~~ assessment adequately measures mastery of the course content as set forth in the outline of record. The faculty may accept an ~~examination~~ assessment conducted at a location other than the community college for this purpose.

(d) ~~A separate examination shall be conducted for each course for which credit is to be granted. Credit may be awarded for prior experience or prior learning only in terms of for individually identified courses for which examinations are conducted pursuant to this section~~



with subject matter similar to that of the individual's prior learning, and only for a course listed in the catalog of the community college. Colleges shall consider the credit recommendations of the American Council on Education, pursuant to Education Code section 66025.71. Upon a student's demonstration of sufficient mastery through an examination or assessment, an award of credit should be made, if possible, to California Intersegmental General Education Transfer Curriculum, California State University General Education Breadth, and local community college general education requirements or requirements for a student's chosen program. Award of credit may be made to electives for students who do not require additional general education or program credits to meet their goals.

(e) Credit by Examination: The determination to offer credit by examination rests solely on the discretion of the discipline faculty. A separate examination shall be conducted for each course for which credit is to be granted. Credit may be granted only to a student who is registered at the college and in good standing and only for a course listed in the catalog of the community college.

(ef) The student's academic record shall be clearly annotated to reflect that credit was earned by ~~examination~~ assessment of prior learning.

(fg) Grading shall be according to the regular grading system approved by the governing board pursuant to section 55023, except that students shall be offered a "pass-no pass" option if that option is ordinarily available for the course.

(gh) Units for which credit is given pursuant to the provisions of this section shall not be counted in determining the 12 semester hours of credit in residence required for an associate degree.

(hi) A district may charge a student a fee for administering an examination or assessment pursuant to this section, provided the fee does not exceed the enrollment fee ~~which~~ that would be associated with enrollment in the course for which the student seeks credit by examination or assessment of prior learning.

(j) The policies and procedures adopted by the governing board of a community college district pursuant to this section shall require that a student, upon completion of their educational plan pursuant to California Education Code Section 78212, shall be referred to the college's appropriate authority for assessment of prior learning if the student 1) is a veteran or an active-duty member of the armed forces, 2) holds industry-recognized credentials, or 3) requests credit for a course based on their prior learning.

(k) The policies for assessments adopted by the governing board of a community college shall offer students an opportunity to accept, decline, or appeal decisions related to the award of credit, and in cases of credit by exam, pursuant to sections 55021 and 55025.

(l) The governing board of each community college district shall review the credit for prior learning policy every three years and report findings to the Chancellor's Office. Findings shall include data disaggregated by gender and race/ethnicity including the number of students who received credit for prior learning, the number of credits awarded per student, retention and persistence rates of students earning credit for prior learning, completion data (for

certificate, degree, and transfer) for students earning credit for prior learning, and qualitative assessments by students of the policies and procedures.

(m) The governing board of each community college district shall incorporate policies pursuant to section 55052 on College Board Advanced Placement examinations, and any other districtwide policies governing the award of credit for prior learning, to create a comprehensive credit for prior learning policy.

(n) By December 31, 2020, the district shall certify in writing to the Chancellor of the California Community Colleges that the policies required by this section have been adopted and implemented.

Note: Authority cited: Sections 66025.71, 66700, and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.



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**Item 5 Title:** Non-Credit Regulation Changes

**Date:** April 18, 2019

**Contact:** Alice Perez, Vice Chancellor of Educational Services

## ISSUE

The California Community Colleges Curriculum Committee (5C) is recommending changes to the following Title 5 Regulations:

- §55150 – Approval of Noncredit Courses and Programs
- §55151 – Career Development and College Preparation
- §55154 – Adult High School Diploma Programs
- §55155 – Non-Credit Certificates
- §58160 – Non-Credit Course Funding

In response to stakeholders in the California Community College system, changes to the noncredit regulations were drafted by a workgroup in 5C in early February 2019. The title 5 Workgroup of 5C edited the draft regulations for consideration at a 1st Reading during the February 22, 2019 5C meeting. Additional edits were made, and sent to the California Community Colleges Chancellor’s Office (CCCCO) Legal Counsel and Staff to review. CCCCCO Legal Counsel and 5C members fine-tuned the drafts at the 2nd Reading during March 14, 2019 5C meeting. 5C approved the draft regulation changes to be forwarded to the Consultation Council for consideration to send to the Board of Governors for approval.

## BACKGROUND

The changes in the regulations are building the foundation and framework to equalize noncredit curriculum approval process to that of credit curriculum approval processes in order to be more responsive to the curricular needs of the students in the California Community College system. In particular, the Curricular Streamlining Process, announced in October 2016 was designed to approve and offer curriculum more rapidly, while maintaining rigorous standards for curriculum approval. This is especially beneficial in career technical education fields as well as curriculum design for Guided Pathways and AB 705 implementation.

The following resolution, which passed unanimously at the Academic Senate for California Community Colleges (ASCCC) Fall 2018 Plenary Session provides some details and references in regard to the proposed changes.

## ASCCC Resolution 9.02 F18 Equalize Noncredit Curriculum Processes to Align with Local Approval of Credit Curriculum Processes:

*Whereas, the Curriculum Streamlining Processes, announced in October 2016, to allow colleges to approve and offer curriculum more rapidly now permits colleges to self-certify curriculum for all credit courses, modified credit programs with the exception of associate degrees for transfer, and new credit programs with a goal of local program with the exception of new career technical education credit programs and apprenticeship;*

*Whereas, noncredit course and program proposals require more lengthy review and approval by the California Community Colleges Chancellor's Office before being offered at a California community college;*

*Whereas, the question "Can a college require a noncredit support course?" that had a response of "Yes, ..." in the FAQ on AB 705 from the California Community Colleges Chancellor's Office and the Academic Senate for California Community Colleges will lead to an increase in demand for noncredit course offerings; and*

*Whereas, the noncredit course approval process must be nimble enough to allow colleges to increase in-demand noncredit course offerings in response to the passage of AB 705 (Irwin, 2017) and the California Guided Pathways Award Program;*

*Resolved, that the Academic Senate for California Community Colleges work with the California Community Colleges Chancellor's Office and other stakeholders to equalize noncredit curriculum processes to align with local approval of credit curriculum processes.*

## FEEDBACK/QUESTIONS FOR COUNCIL

The Chancellor's Office is seeking general feedback that can be used to make any necessary amendments prior to the Board of Governors meeting in May.

**ATTACHMENTS:** Non-Credit Regulation Changes (Attachment 1).

## Item 5, Attachment 1

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### BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS OF CURRICULUM AND INSTRUCTION 4-8-19

1. Section 55150 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

#### § 55150. Approval of Noncredit Courses and Programs.

(a) ~~All noncredit courses shall be approved by the Chancellor in accordance with this article on forms provided by the Chancellor. Failure to comply with the provisions of this article may result in termination of approval. The governing board of each community college district shall establish policies for, and may approve noncredit courses pursuant to section 55002 and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a).~~

(b) The chief executive officer, chief instructional officer, college academic senate president, and college curriculum committee chair of each college and/or district shall annually certify to the Chancellor, before the conclusion of each academic year, compliance with the following requirements related to the approval of noncredit courses:

(1) the curriculum committee and district governing board have approved each noncredit course pursuant to section 55002 and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a);

(2) the college and/or district promptly reported all noncredit courses approved by the district governing board pursuant to this section to the Chancellor's Office Curriculum Inventory and Management Information Systems;

(3) college and/or district personnel involved in the noncredit course approval process, including members of the curriculum committee, were provided with training regarding the rules, regulations, and local policies applicable to the approval of noncredit courses, including, but not limited to, the provisions of section 55002 and the Chancellor's Office Program and Course Approval Handbook prepared, distributed, and maintained by the Chancellor consistent with section 55000.5(a);



(4) the district governing board has established local policy or procedures specifying attendance accounting consistent with Article 2, Chapter 1, Part 50 of the Education Code (sections 84030, et seq.).

~~(b)~~ Course outlines of record for all noncredit courses prepared in accordance with subdivision (c) of section 55002 shall be on file in the community college offering the course.

~~(c) Authorities of each community college maintaining noncredit courses shall keep such current records and reports as may be required by the Chancellor.~~

(d) The following noncredit educational programs shall be approved by the ~~Chancellor~~ district governing board:

(1) Noncredit educational programs that qualify for enhanced funding;

(2) Adult high school diploma programs as specified in section 55154; and

(3) Those noncredit educational programs that are otherwise required by law to be approved by the Chancellor.

(e) Noncredit educational programs ~~requiring approval of the Chancellor~~ shall be ~~approved~~ submitted to and chaptered in by the Chancellor chancellor's office curriculum inventory system, in accordance with this article and on forms provided by the Chancellor. Approval of a noncredit educational program is effective until either:

(1) The noncredit educational program or implementation of the noncredit educational program is discontinued or modified in any substantial way; or

(2) The ~~Chancellor~~ district governing board evaluates the noncredit educational program after its approval on the basis of factors listed in sections 55151 or 55154, as applicable. If the ~~Chancellor~~ district governing board determines that the noncredit educational program should no longer be offered based on the evaluation, the ~~Chancellor~~ district governing board may terminate the approval and determine the effective date of termination.

(f) The Chancellor may conduct reviews to ensure that colleges and/or districts are in compliance with the certification requirements identified in this section.

(g) The Chancellor may, at any time, limit or terminate the ability of a district to approve or offer noncredit courses if it is determined that a college and/or district has failed to comply with any of the conditions set forth in this section until such time a college and/or district demonstrates compliance with the certification requirements in this section.

Note: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

**2.** Section 55151 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

## § 55151. Career Development and College Preparation.

A noncredit course involving career development or college preparation will be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5 if it satisfies the requirements set forth in subdivisions (a), (b) and (c) below.

(a) The course is approved by the college curriculum committee and the district governing board pursuant to subdivision (c) of section 55002 and by the Chancellor's Office pursuant to section 55150 and is part of either:

(1) A short-term vocational program which the ~~Chancellor~~ district governing board, ~~in consultation with the Employment Development Department~~ has determined to have high employment potential. ~~In making this determination, t~~ The Chancellor district governing board shall utilize job demand data to support the program proposal. ~~provided by the Employment Development Department. If current job demand data in the relevant field is not available from the Employment Development Department, the Chancellor and the Employment Development Department may rely upon other data submitted by the college.~~

(2) A noncredit educational program involving:

(A) Courses in elementary and secondary basic skills;

(B) Workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decision-making, and problem solving skills that are necessary to participate in job-specific technical training; or

(C) Courses in English as a second language and vocational English as a second language.

(b) The noncredit educational program is designed to result in either:

(1) A noncredit certificate of completion leading to improved employability or job opportunities; or

(2) A noncredit certificate of competency in a recognized career field that prepares students to take nondegree-applicable credit course work, including basic skills and English as a second language; or to take degree-applicable credit coursework leading to one or more of the following:

(A) completion of a credit certificate;

(B) an associate in arts degree; or

(C) transfer to a baccalaureate institution.

(c) The noncredit educational program in which enhanced funding is sought must be submitted to and ~~approved~~ chaptered by in the ~~Chancellor's office curriculum inventory~~

~~system. Applications for approval~~ Submissions shall include an explanation of how the educational program is designed to lead students to one of the outcomes described in subdivision (b) and all of the following:

- (1) a list of required courses to be included in the educational program;
- (2) the minimum number of hours required for completion of the educational program;
- (3) course outlines of record for all courses in the educational program;
- (4) the catalog description of the educational program; and
- (5) for short-term vocational programs, an analysis of labor market need or job availability.

~~(d) The Chancellor shall develop forms and procedures for submission of applications for approval.~~

~~(e) If the Chancellor approves a short-term vocational program pursuant to this section, the program may not be subsequently modified by the inclusion of additional courses unless the course or courses to be added are of one of the types listed in subdivision (a) and have themselves been individually approved by the Chancellor pursuant to section 55150.~~

~~(d)~~(f) Under no circumstances may a district separate an existing noncredit course which provides less than one hundred and ten (110) hours of instruction into two or more courses for the purpose of forming a noncredit educational program to satisfy the requirements of this section.

~~(e)~~(g) Nothing in this section shall be construed to prevent a particular student from taking additional degree-applicable coursework, pursuing an associate degree, or pursuing transfer to a baccalaureate institution in addition to or instead of seeking immediate employment.

~~(f)~~(h) For purposes of this article, the term “certificate of completion” means a document confirming that a student has completed a noncredit educational program of noncredit courses that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a Taxonomy of Programs (T.O.P.) Code number and program discipline, identify the goal of the program, and list the courses completed by the student.

~~(g)~~(i) For purposes of this article, the term “certificate of competency” means a document confirming that a student enrolled in a noncredit educational program of noncredit courses has demonstrated achievement of a set of competencies that prepares him or her to progress in a career path or to undertake degree-applicable or nondegree-applicable credit courses. The document must include the name of the certificate and the date awarded, be identified by a T.O.P. Code number and program discipline, and list the relevant competencies achieved by the student.

~~(h)~~~~(i)~~ Content and assessment standards for certificates shall be defined by the local curriculum committee. The curriculum committee shall review noncredit educational programs leading to a certificate using the same standards as applied to credit educational programs leading to a certificate as set forth in section 55070, with respect to academic integrity, consistency with college mission, meeting a demonstrated need and program feasibility.

~~(i)~~~~(k)~~ Each noncredit educational program shall be approved by the governing board of the district.

~~(j)~~~~(l)~~ Certificates for noncredit educational programs may be awarded on behalf of the governing board of the district by any appropriate district official or by a particular department or division pursuant to a delegation of authority from the governing board to students who have earned them.

Note: Authority cited: Sections 66700, 70901, 78401, 84750.5 and 84760.5, Education Code.  
Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

**3.** Section 55154 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

#### **§ 55154. Adult High School Diploma Program.**

(a) Before offering any noncredit course as part of a high school diploma program on or after June 30, 2009, the governing board of a community college district ~~shall obtain approval of~~ must approve its high school diploma program and have it chaptered in the chancellor's office curriculum inventory system, as provided in section 55150.

(b) For purposes of this section, the term "high school diploma program" means an organized sequence of noncredit courses designed to meet the needs of adult learners which leads to a high school diploma which is awarded by the community college district or jointly by the district and a high school.

(c) ~~The application for approval~~ submission for chaptering shall include all of the following:

- (1) A statement that both the local curriculum committee(s) and the district governing board have reviewed and approved the high school diploma program.
- (2) Information demonstrating that there exists demand for the college to offer a high school diploma program for adult learners in the area.
- (3) Coursework requirements and content standards that meet or exceed those described in subdivision (e).
- (4) Comprehensive descriptions of program organization, instructional support services, student services, facilities and ongoing staffing efforts to demonstrate that the district has the resources to maintain the high school diploma program.

(5) A copy of the proposed catalog description.

(6) Requirements or conditions by which a student can obtain high school credit by examination or by successfully completing college degree-applicable or nondegree-applicable credit course work and any alternative means for students to complete the prescribed course of study.

(7) A description of the student assessment procedures for academic placement in the program and a description of how the district will evaluate student progress.

(d)(1) The governing board of a community college district shall confer a high school diploma upon a student who has satisfactorily completed at least 160 credits of high school level coursework and who has demonstrated competence in reading, writing, and mathematics at a level generally accepted as appropriate for award of a high school diploma. The required 160 credits of high school level course work must be fulfilled in a core curriculum consisting of courses in the categories described in paragraph (2) and accepted toward the diploma by a college within the district (as shown in its catalog). A college may accept toward satisfaction of this requirement courses that were completed at an accredited high school or college that would reasonably be expected to meet or exceed the standards of this section, provided that at least 20 of the total 160 required high school credits must be completed in residence at the college granting the diploma.

(2) The curriculum must include the indicated minimum number of high school credits in each of the areas listed below. Each course shall be of a duration sufficient to permit a student to master the content of the course as specified in the content standards described in paragraph (3).

(A) Natural Sciences. A minimum of 20 high school credits shall be required in natural sciences, including biological and physical sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the core curriculum requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category may include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. A minimum of 30 high school credits shall be required in social and behavioral sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the core curriculum requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how



societies and social subgroups operate. Each student shall be required to complete coursework that addresses United States history and geography; world history, geography, and culture; American government and civics; and economics. This category may also include introductory or integrative survey courses in cultural anthropology, cultural geography, political science, psychology, sociology and related disciplines, as well as additional courses in economics, American government, United States history, and world history.

(C) Humanities. A minimum of 10 high school credits shall be required in humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the core curriculum requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Each student shall be required to complete one course in visual or performing arts or foreign language. This category may also include introductory or integrative courses in literature, philosophy, and religion, as well as additional courses in the arts, and foreign languages. For the purposes of satisfying the requirement specified in this paragraph, a course in American Sign Language shall be deemed a course in foreign language.

(D) English. A minimum of 30 high school credits shall be required in English. Courses in English are those which develop the principles and applications of language toward logical thought, clear and precise expression and critical evaluation. To satisfy the core curriculum requirement in English, a course shall be designed to develop reading, writing, and verbal expression skills as applicable to the needs and interests of an adult. Such courses may include introductory or integrative courses in literature and English grammar, writing strategies, and mechanics.

(E) Mathematics. A minimum of 20 high school credits shall be required in mathematics. Courses in mathematics develop the ability to reason with and apply mathematical operations and principles. To satisfy the core curriculum requirement in mathematics, a course shall be designed to help a student gain facility in the operations of mathematics as well as its practical applications. Such courses may include algebra, geometry, applied mathematics, and calculus.

(3) Course content standards for the coursework described in subdivision (2) must meet or exceed the standards for the high school curriculum established by the California State Board of Education.

(e) Notwithstanding the requirements of this section, any student enrolled in a high school diploma program prior to June 30, 2009, may receive a high school diploma based on completion of the curriculum required for the program as set forth in the college catalog in effect at the time the student first enrolled in the program; provided the student remains

continuously enrolled without a break of more than one primary term subsequent to the Spring 2009 term.

(f) In order for a high school diploma program to qualify for enhanced noncredit funding pursuant to Education Code sections 84750.5 and 84760.5, the application for approval must satisfy the requirements of section 55151.

(g) For the purposes of this section, a noncredit course awarding 10 high school credits must be designed to require a minimum of 144 hours of lecture, study or laboratory work.

Note: Authority cited: Sections 66700, 70901, 78401, 84750.5 and 84760.5, Education Code.  
Reference: Sections 70901, 70902, 78401, 84750.5 and 84760.5, Education Code.

**4.** Section 55155 of article 2 of subchapter 2 of Chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

#### **§ 55155. Noncredit Certificates.**

(a) Any noncredit educational program leading to a certificate must be approved by the college curriculum committee and the district governing board.

~~(b) All noncredit educational programs leading to a noncredit certificate of completion or certificate of competency must be approved by the Chancellor pursuant to section 55151.~~

~~(b)(c)~~ If a district does not seek enhanced funding for a noncredit educational program, or it does not qualify for enhanced funding pursuant to section 55151, a noncredit educational program leading to a certificate may be established by the district ~~without approval by the Chancellor except as required in section 55154. A district may award a certificate to a student completing a noncredit educational program,~~ but may not designate or refer to it as a certificate of completion or a certificate of competency in a recognized career field pursuant to section 55151.

~~(c)(d)~~ A certificate awarded to a student completing a noncredit educational program may not be referred to as a certificate of achievement ~~regardless of its length or whether it has been approved by the Chancellor.~~

~~(d)(e)~~ A description of each approved noncredit educational program shall be included in the college catalog.

~~(f) Provisions of this section regarding the naming or designation of certificates shall become effective for the Fall 2008 term.~~

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

**5.** Section 58160 of article 5 of subchapter 2 of Chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

## § 58160. Noncredit Course Funding.

(a) In order to be eligible to be claimed for state apportionment, a noncredit course must be approved pursuant to sections 55002 and 55150 and fall into one of the following statutory categories:

- (1) elementary and secondary basic skills courses and other courses such as remedial academic courses in reading, mathematics, and language arts;
- (2) courses in English as a second language, including vocational English as a second Language;
- (3) short-term vocational courses and programs with high employment potential;
- (4) workforce preparation courses in the basic skills of speaking, listening, reading, writing, mathematics, decision making, problem solving skills, and other courses required for preparation to participate in job-specific technical training;
- (5) courses in citizenship for immigrants;
- (6) parenting, including parent cooperative preschools, courses in child growth and development and parent-child relationships;
- (7) courses and programs for persons with substantial disabilities;
- (8) courses and programs for older adults;
- (9) courses and programs in home economics; and
- (10) courses in health and safety education.

(b) The provisions of sections 58050, 58051, 58051.5, 58130 and related provisions of this chapter also apply in determining whether a noncredit course is eligible for funding.

(c) In order to be eligible for enhanced funding pursuant to Education Code sections 84750.5 and 84760.5, a career development or college preparation noncredit course must be part of a program or sequence of courses approved chaptered in ~~by~~ the Chancellor's curriculum inventory system pursuant to section 55151.

(d) Courses of the type described in section 55151 may not be claimed for enhanced funding if they are not part of a program or sequence of courses which is approved chaptered by the Chancellor pursuant to that section, but such courses may continue to be offered and be claimed for basic noncredit funding, provided that each individual course has been approved chaptered by the Chancellor pursuant to section 55150 and falls into one of the categories described in subdivision (a).

Note: Authority cited: Sections 66700, 70901, 78401 and 84760.5, Education Code. Reference: Sections 70901, 84500, 84750.5, 84757 and 84760.5, Education Code.



“Digest” means an item has been through internal review by the Chancellor’s Office and the review entities. The item now has form and substance and is officially “entered into Consultation.” The Council reviews the item and provides advice to the Chancellor.

**Item 6 Title:** Climate Change Resolution

**Date:** April 18, 2019

**Contact:** Christian Osmeña, Vice Chancellor of College Finance & Facilities Planning

## ISSUE

This item seeks consultation on a possible resolution, which would be considered by the Board of Governors, to address climate change and improve environmental sustainability by reducing greenhouse gas emissions.

## BACKGROUND

Consistent with California’s broader climate change efforts, the Chancellor has asked for a potential resolution to align with the system’s policies with the six key Climate Change Strategy Pillars identified in the California Climate Change Scoping Plan. In doing so, the intent is to improve California Community Colleges’ (CCC) climate change strategy and environmental sustainability efforts.

The resolution adopts goals and a new Climate Change and Sustainability Policy to align with the vision and goals of the California Global Warming Solutions Act of 2006 (Assembly Bill 32), the California Climate Change Scoping Plan, and Governor Brown’s Executive Order B-30-15. The Climate Change and Sustainability Policy updates and reaffirms a previous policy from 2008 and incorporates the California Climate Change Scoping Plan’s vision and pillars.

The proposed resolution is consistent with existing statutes, regulations, and executive orders that detail energy conservation, greenhouse gas reduction, decarbonization, sustainability, and other climate mitigation measures. Additionally, the proposed resolution requests that the governing board of each community college district also adopt a local resolution.

The vision of the California Climate Change Scoping Plan is to reduce greenhouse gas emission to 40 percent below 1990 levels by 2030. To achieve this vision, six key Climate Change Strategy Pillars are included:

- Increase renewable electricity production to 50 percent.
- Reduce petroleum use by 50 percent in vehicles.
- Double energy efficiency savings at existing buildings.
- Reduce greenhouse gas emissions from natural and working lands.
- Reduce short-lived climate pollutants.
- Safeguard California.

In order for our system to begin to achieve the six key Climate Change Pillars of the California Climate Change Scoping Plan by 2030, the resolution and the Climate Change and Sustainability Policy establishes 8 goals for 2030 with incremental goals set for 2025.

In addition, all capital projects starting design in 2019 would need, at a minimum, to outperform by at least 15 percent the current energy standards for new construction, and all major renovation projects would need, at a minimum, to outperform the current standards by at least 10 percent.

## **FEEDBACK/QUESTIONS FOR COUNCIL**

The Chancellor's Office is seeking general feedback regarding the resolution that would be presented to the Board of Governors for adoption.

**ATTACHMENTS:** Board of Governors (BOG) Climate Change Resolution 2019-09 (Attachment 1), CCC BOG Climate Change and Sustainability Policy (Attachment 2).



## **Item 6, Attachment 1**

### **RESOLUTION OF THE BOARD OF GOVERNORS CALIFORNIA COMMUNITY COLLEGES**

**No. 2019-09**

WHEREAS, California Community Colleges are the backbone of the state's public higher education, offering more than 2.1 million students opportunities to pursue academic and workforce awards; and

WHEREAS, the Board of Governors of the California Community Colleges sets policy and provides guidance for the 73 districts and 115 colleges which constitute the system; and

WHEREAS, each California community college district is governed by a board of trustees that consist of locally-elected leaders who offer their time and expertise to ensure its institutions are resourced to fulfill the districts' mission and vision; and

WHEREAS, Executive Order S-12-04 requests California Community Colleges active participation in statewide energy conservation and reduced electrical demand; and

WHEREAS, the California Global Warming Solutions Act of 2006 (Assembly Bill 32), requires a significant reduction of greenhouse gas emissions, transitions California to a sustainable future, and establishes a long-term approach to addressing climate change; and

WHEREAS, in 2008, the Board of Governors of the California Community Colleges had established an Energy and Sustainability Policy that provides goals and guidance for California Community Colleges to achieve energy conservation, sustainable building, and physical plant management best practices necessary to reduce energy consumption; and

WHEREAS, the 2015 California Climate Change Scoping Plan identified six key Climate Change and Sustainability Pillars to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030; and

WHEREAS, the six key Climate Change and Sustainability Pillars include (1) reducing today's petroleum use in cars and trucks by up to 50 percent; (2) increasing from one-third to 50 percent our electricity derived from renewable sources; (3) doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner; (4) reducing the release of methane, black carbon, and other short-lived climate pollutants; (5) managing farm and rangelands, forests and wetlands so they can store carbon; and (6) periodically updating the state's climate adaptation strategy: Safeguarding California; and therefore be it

RESOLVED that the Board of Governor of the California Community Colleges adopt the six key Climate Change Strategy Pillars identified in California Climate Change Scoping Plan; and be it further

RESOLVED that the Board of Governor of the California Community Colleges adopt the following climate change and sustainability goals for the California Community Colleges to be achieved by 2025: (1) reduce greenhouse gas emission to 30 percent below 1990 levels; (2) increase renewable energy consumption to 25 percent; (3) replace 25 percent of fleet vehicles with zero-emission vehicles; (4) 50 percent of all new buildings and major renovations will be constructed as Zero Net Energy; (5) 50 percent of all new buildings and major renovations will achieve at least a Leadership in Energy and Environmental Design (LEED) "Silver" or equivalent rating; (6) increase procurement of sustainable products and services by 20 percent.; and (7) reduce municipal solid waste by 25 percent; and be it further

RESOLVED that that the Board of Governor of the California Community Colleges adopt the following climate change and sustainability goals for the California Community Colleges to be achieved by 2030: (1) reduce greenhouse gas emission to 40 percent below 1990 level; (2) increase renewable energy consumption to 50 percent; (3) replace 50 percent of fleet vehicles with zero-emission vehicles; (4) 100 percent of all new buildings and major renovations will be constructed as Zero Net Energy; (5) 100 percent of all new buildings and major renovations will achieve at least a Leadership in Energy and Environmental Design (LEED) “Silver” or equivalent rating; (5) increase procurement of sustainable products and services by 25 percent; and (6) reduce municipal solid waste by 50 percent ; and be it further

RESOLVED that Board of Governor of the California Community Colleges adopt the Climate Change and Sustainability Policy; and therefore be it further

RESOLVED that each district board of trustees of the California Community Colleges adopt a local resolution to align with the six key Climate Change and Sustainability Pillars identified in California Climate Change Scoping Plan and the goals provided in the Board of Governors Climate Change and Sustainability Policy.

Dated: May 20, 2019

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Tom Epstein, President  
Board of Governors California Community Colleges

## Item 6, Attachment 2

# CALIFORNIA COMMUNITY COLLEGES BOARD OF GOVERNORS CLIMATE CHANGE AND SUSTAINABILITY

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## INTRODUCTION

The California Community College Board of Governors (Board of Governors) Climate Change and Sustainability Policy provides goals and guidance for community college districts to align with the six key climate change strategy pillars identified in California Climate Change Scoping Plan, achieve energy conservation goals, build capital project sustainably, and integrate physical plant management practices to reduce energy consumption to improve local environmental sustainability measures. This policy is consistent with California legislation, California Code of regulations, and Gubernatorial Executive Orders that detail statewide energy conservation, greenhouse gas reduction, de-carbonization, sustainability, and climate change mitigation measures.

Government Code section 15814.30 states that “All new public buildings for which construction begins after January 1, 1993, shall be models of energy efficiency and shall be designed, constructed, and equipped with all energy efficiency measures, materials and devices that are feasible and cost-effective”. Section 15814.31 requires that “All public buildings, when renovated or remodeled, shall be retrofitted to meet...Title 24 of the California Code of Regulations”, including Part 6; California Energy Code (CCR Title 24, California Energy Code). Additionally, consistent with Executive Order S-12-04, which requests the community colleges active participation in statewide energy conservation and reduced electrical demand.

## ALIGN WITH CALIFORNIA’S CLIMATE CHANGE SCOPING PLAN

An outgrowth of the California Global Warming Solutions Act of 2006 (Assembly Bill 32) and Governor Brown’s Executive Order B-30-15, the Governors California Climate Change Scoping Plan’s environmental sustainability efforts includes a vision to reduce greenhouse gas emission to 40 percent below 1990 levels by 2030. To achieve this vision, the Governor provided six key Climate Change Strategy Pillars:

- Increase renewable electricity production to 50 percent.
- Reduce petroleum use by 50 percent in vehicles.
- Double energy efficiency savings at existing buildings.
- Reduce greenhouse gas emissions from natural and working lands.
- Reduce short-lived climate pollutants.
- Safeguard California.

In a continued effort to align with California’s Climate Change Strategy Pillars, the Board of Governors developed a resolution to align with the vision and goals of the California Climate Change Scoping Plan, and requests that each district in the California Community Colleges (CCC) also adopt a local resolution. District resolutions may also include commitments to implement the Climate Change and Sustainability Policy goals and guidance, offer environmental sciences degrees and certificates with an emphasis on climate change, and other significant local climate change strategies and environmental sustainability measures.

## CLIMATE CHANGE AND SUSTAINABILITY POLICY GOALS 2025 AND 2030

In order for our system to begin to achieve the six key Climate Change Pillars of the California Climate Change Scoping Plan by 2030, this section outlines climate change and sustainability targets for 2025 and 2030. Also, all capital projects starting design in 2019 need at a minimum to outperform by at least 15 percent the current CCR Title 24, California Energy Code for new construction, and all major renovation projects should at a minimum outperform the current CCR Title 24 standards by at least 10 percent.

### GOALS 2025

- Reduce greenhouse gas emission to 30 percent below 1990 levels.
- Increase renewable energy consumption to 25 percent.
- Replace 25 percent of fleet vehicles with zero-emission vehicles.
- 50 percent of all new buildings and major renovations will be constructed as Zero Net Energy.
- 50 percent of all new buildings and major renovations will achieve at least a Leadership in Energy and Environmental Design (LEED) “Silver” or equivalent rating.
- Increase procurement of sustainable products and services by 20 percent.
- Reduce municipal solid waste by 25 percent.

### GOALS 2030

- Reduce greenhouse gas emission to 40 percent below 1990 levels.
- Increase renewable energy consumption to 50 percent.
- Replace 50 percent of fleet vehicles with zero-emission vehicles.
- 100 percent of all new buildings and major renovations will be constructed as Zero Net Energy.
- 100 percent of all new buildings and major renovations will achieve at least a Leadership in Energy and Environmental Design (LEED) “Silver” or equivalent rating.
- Increase procurement of sustainable products and services by 25 percent.
- Reduce municipal solid waste by 50 percent.

To help achieve these goals, the Community Colleges Chancellor’s Office (Chancellor’s Office) offers incentives of 2% for new construction and 3% for modernization projects to be applied to the construction cost of the project budget. District needs to provide the following two items to the Chancellor’s Office to be eligible for the incentive:

#### 1. Energy Usage Calculator

Submit an Energy Usage Calculator (EUC) report annually, which demonstrate the districts’ energy savings by campus for the previous fiscal year. The EUC report is submitted at the same time each year as Space Inventory district submissions.

#### 2. Energy Savings

An energy saving document is submitted for projects seeking state-approved funding. This document is normally prepared by your architect and submitted to the California Division of State Architecture (DSA) as part of that plan review process.

## ENERGY INDEPENDENCE GOAL

Districts are encouraged to develop a strategic plan for energy procurement and production to reduce energy capacity requirements from the electricity grid, and to promote energy independence using

available economically feasible technology (e.g., biomass, small hydro, geothermal, wind, solar) for on-site generation. Districts are also encouraged to purchase natural gas through non-utility consortiums or co-operative arrangements for its campuses.

Colleges should develop their self-generated energy capacity. To help accomplish this goal, each district should:

- Consider installing and operating clean co-generation plants and proven renewable energy generation technologies to reduce greenhouse gas emissions, and to improve campus energy efficiency, utility reliability, and service diversity.
- Pursue cost effective renewable generation in order to increase on-site production.
- Participate in all utility offered Demand Response programs. Pursue all possible incentives offered by these programs.

In place of self-generating technologies, colleges may consider procuring their electricity needs to reach the 50 percent renewable energy source by 2030. Energy independence is subject to the constraints of program needs and standard budget parameters to meet or exceed the State of California and California Public Utilities Commission Renewable Portfolio Standard.

## **POLICY ON ENERGY CONSERVATION, SUSTAINABLE BUILDING, AND PHYSICAL PLANT MANAGEMENT BEST PRACTICES**

### **1. Energy Conservation**

All CCC facilities, regardless of the source of funding for their operation, should be operated in the most energy efficient manner without endangering public health and safety and diminishing the quality of education. All districts should continue to identify energy efficiency improvement measures to the greatest extent possible at its campuses, undertake all necessary steps to seek funding for their implementation and, upon securing availability of funds, expeditiously implement the measures.

Districts should promote the use of cost effective renewable non-depleting energy sources wherever possible at its campuses, both in new construction projects and in existing buildings and facilities. Districts should consider implementing load shifting technologies such as thermal energy storage and natural gas fired, on-site generation with heat recovery capabilities.

Districts should actively seek all available resources to implement energy efficiency improvement and utilities infrastructure renewal projects at its campuses. These resources may include federal and state budget appropriations as well as federal, state, and private sector grant opportunities, including and other unique public/private sector financing arrangements made available through legislative actions in California and the United States Congress.

Districts should cooperate with federal, state, and local governments and other appropriate organizations to accomplish energy conservation and utilities management objectives throughout the state. Additionally, colleges should inform students, faculty, staff and the general public of the need for and methods of energy conservation and utilities management. Each district should also establish appropriate guidelines, rules, and standards to assure effective energy management practices.

Each district should designate a sustainability manager with the responsibility and authority to carry out energy conservation and utilities management programs, among other local sustainability efforts. The Chancellor's Office may coordinate with the sustainability managers and assess local sustainability programs to inform and improve systemwide environmental sustainability measures, like Zero Net Energy.

Sustainability manager should solicit and evaluate feedback from faculty, staff, and students and



community organizations to monitor the effects of sustainability and energy conservation efforts on instructional programs and the environment. Sustainability managers may also facilitate trainings on new sustainability and energy management concepts and programs as part of staff development for physical plant staff at district campuses.

## **2. Sustainable Building Practices**

All capital project new construction, remodeling, renovation, and repair projects should be designed with consideration of optimum energy utilization, including low life cycle operating costs and compliance with all applicable energy codes and regulations. In the areas of specialized construction that are not regulated through the current energy codes, such as historical buildings, museums, and auditoriums, the districts should ensure that these facilities are designed to maximize energy efficiency. Energy efficient and sustainable design features in the project plans and specifications need to be considered in balance with the academic program needs of the project within the available project budget.

In an effort to reduce the creation of greenhouse gases, capital planning for college facilities and infrastructure should consider features of a sustainable and durable design to achieve a low life cycle cost. Principles and best practices established by leading industry standards or professional organizations should be implemented to the greatest extent possible. All construction and remodeling projects should be designed to achieve at least a United States Green Building Council Leadership in Energy and Environmental Design (LEED) “Silver” or equivalent rating.

The following elements should be considered in the design of all CCC facilities:

- Site development and design considerations that optimize local geographic features to improve sustainability of the project, such as proximity to public transportation and maximizing use of vistas, microclimate, and prevailing winds.
- Durable systems and finishes with long life cycles that minimize maintenance and replacement.
- Optimization of facility plans so that they can be reconfigured with the expectation that the facility could be renovated and re-used, instead of demolished.
- Systems designed for optimization of energy, water, and other natural resources.
- Optimization of indoor environmental quality for occupants.
- Utilization of environmentally preferable products and processes, such as recycled-content materials and recyclable materials.
- Procedures that monitor, trend, and report operational performance as compared to the optimal design and operating parameters.
- Space should be provided in each building to support an active program for recycling and reuse of materials.

To implement the sustainable building goal in a cost effective manner, the process should include the following: identify economic and environmental performance measures; determine cost savings; use extended life cycle costing; and adopt an integrated systems approach. Such an approach treats the entire building as one system and recognizes that individual facility features, such as lighting, windows, heating and cooling systems, or control systems are not stand-alone systems.

Colleges are encouraged to use materials and systems with reduced environmental impacts. The architectural and engineering firms contracted to develop new CCC facilities should recommend building materials and methods with life cycles (i.e., manufacture, installation, maintenance, repair, and replacement) that reduce environmental impacts. Considerations should also include energy efficiency, energy required in the manufacturing process, life cycle duration, and maintenance and replacement costs.

### **3. Physical Plant Management**

In order to conserve purchased energy resources, districts are encouraged to establish air conditioning and water temperature standards that will support their effort to achieve the goals outlined in this policy. Each campus should consider integrating energy management and sustainability technologies that provides centralized reporting and control of the campus energy- and sustainability-related related activities. Sustainability managers should make the necessary arrangements to achieve optimum efficiency in the use of natural gas, electricity, or any other purchased energy resources to meet the heating, cooling, and lighting needs of the buildings and/or facilities. Except for areas requiring special operating conditions, such as electronic data processing facilities or other scientifically critical areas where rigid temperature controls are required, building and/or facility temperatures should be allowed to fluctuate between the temperature limits stated above.

Scheduling of building and/or facility usage should be optimized consistent with the approved academic, adult education, and career education programs to reduce the number of buildings operating at partial or low occupancy. To the extent possible course and activity scheduling should be consolidated in a manner to achieve the highest building utilization in a manner to promote central plant and individual building air conditioning system shutdown to the greatest extent possible during the weekend and other holiday periods.

In an effort to reduce short-lived climate pollutants, including hydrofluorocarbon, all air conditioning equipment, including supply and return air fans, should be shut off on weekends, holidays, and for varying periods each night. Exceptions may include instances in which a lack of air conditioning would adversely affect instruction, electronic data processing installations, or other scientifically-critical or 24-hour operations.

All CCC campuses should take every necessary step to conserve water resources, including such steps as installing controls to optimize irrigation water, reducing water usage in restrooms and showers, and promoting the use of reclaimed water. The use of decorative fountains should be minimized. Additionally, districts are encouraged to integrate drought-resistant and non-water-intensive landscaping.

The districts should encourage continued energy conservation and lowest utilities operating costs on its campuses by instituting incentive plans designed to recognize and reward meritorious local achievements by campus staff, faculty, and students beyond normal expectation. These incentive plans should be designed in such a fashion that they are adaptable to changing budget constraints from year-to-year.



# CONSULTATION COUNCIL | Digest

“Digest” means an item has been through internal review by the Chancellor’s Office and the review entities. The item now has form and substance and is officially “entered into Consultation.” The Council reviews the item and provides advice to the Chancellor.

**Item 7 Title:** U.S. Census Resolution

**Date:** April 18, 2019

**Contact:** Dr. Daisy Gonzales, Deputy Chancellor

## ISSUE

The California Community College Chancellor’s Office requests the Board of Governors to discuss and adopt a resolution to partner with the California Complete Count Office for U.S. Census 2020 outreach efforts across the state.

## BACKGROUND

Every ten years, the U.S. Census Bureau attempts to count every person in the United States. The next enumeration will be April 1, 2020. This census will be the first to rely heavily on online responses for an accurate count. An accurate count is one in which every person is counted once, only once, and in the right place. This challenge is amplified in California, where more residents are considered traditionally “hard to count.” The California Community College system serves the largest number of students and families from communities that are considered “hard-to-count” groups by the U.S. Census. Hard-to-count groups include: racial and ethnic minorities, linguistically diverse people, people living close to or below the poverty line, persons who do not live in traditional housing, and parents with children younger than five years old. Many people in the hard to count groups are undercounted. The results of the decennial Census count impacts California in terms of billions of dollars the state receives in federally funded programs and the number of seats California is apportioned in the U.S. Congress.

## Opportunities for Community Colleges

The decennial Census presents educators with an opportunity to equip students with the information and resources to ensure that everyone is counted. In partnership with the Complete Count Office – Census 2020, this resolution would encourage colleges to:

- 1) **Join a Local Complete Count Committee.** Colleges and Districts may actively participate in their Local Complete Count Committee (LCCC) in the county where community college campuses are positioned. Local Complete Count Committees have been provided approximately \$27 million dollars for census outreach efforts.
- 2) **Host a U.S. Census recruitment fair.** Host a U.S. Census recruitment fair to encourage students and the surrounding community to work for the U. S. Census. Community college campuses represent the best of California’s population, and the students who attend are trusted members and messengers. The U. S. Census must hire approximately 24,000 positions

in California. Community colleges may host events where applications can be completed for enumerators, partnership specialists, and other positions that will complement the desire to improve work based learning opportunities for community college students.

- 3) **Designate a Wi-Fi enables census location.** Designate dedicated spaces with wi-fi for census questionnaire completion. Community college campuses may serve as general locations on campus for Questionnaire Assistance Centers (QAC) and Questionnaires Assistance Kiosks (QAK's) where students can complete their Census 2020 questionnaires online.
- 4) **Host Educational Outreach Events for students.** Encourage all campus entities including libraries, resource centers, and student organizations, to collaborate and provide various learning opportunities for census education before the 2020 Census.
- 5) **Invite the public to campus.** Encourage campuses to directly engage their communities and invite them on campuses to complete their 2020 Census questionnaires. This can be done through community partnerships that feature keynote speakers, panelist, and educational seminars on the importance of the Census for the community and our state.

## FEEDBACK/QUESTIONS FOR COUNCIL

The Chancellor's Office is seeking general feedback on this resolution and input on the following questions:

- 1) How can U.S. Census opportunities and resources be best communicated to California Community Colleges? (i.e. CEO list-serve, League email, etc.)
- 2) How can community colleges with limited broadband ensure their community is counted?

**ATTACHMENTS:** U.S. Census 2020 Resolution (Attachment 1).

## Item 7, Attachment 1

### CALIFORNIA COMMUNITY COLLEGE CENSUS 2020 OUTREACH INITIATIVES RESOLUTION TO PROMOTE OUTREACH ACTIVITIES AND PARTICIPATION IN THE 2020 DECENNIAL CENSUS

No. 2019-10

**WHEREAS**, the U.S. Census Bureau is required by Article 1, Section 2 of the U.S. Constitution to conduct a complete and accurate count of every resident in the nation every ten years; and

**WHEREAS**, Census data is used to distribute billions of dollars in federal funding to local communities and used to determine the number of seats California has in the U.S. House of Representatives, both of which are critical to state and local governments; and

**WHEREAS**, a significant amount of effort is required in order to achieve a full participation in the 2020 U.S. Census; especially in the California Community College System which has multiple of the highest hard to count residents is the state; and

**WHEREAS**, the California Community Colleges have the opportunity to obtain funds through county-based Local Complete Count Census Committees which have a proposed allocation of \$27 million dollars; and

**WHEREAS**, the California Community Colleges may focus its efforts on reaching the hard-to-count populations and students living in communities with hard-to-count populations; and

**WHEREAS**, community colleges may actively participate in the Local Complete Count Committees of counties where community college campuses are positioned; and

**WHEREAS**, campuses may designate general locations on campus for Questionnaire Assistance Centers (QAC) and Questionnaires Assistance Kiosks (QAK's), where students can go to complete their Census questionnaires; and

**WHEREAS**, major campus entities including libraries, resource centers, student organizations, etc. may collaborate to assist students with Census related outreach activities, including lectures, panels and U.S. Census recruitment fairs; and

**WHEREAS**, the Vision for Success encourages students as decision-makers and students will take a leading role in peer-to-peer census jobs and education; and now therefore, be it

**RESOLVED**, that the California Community Colleges Board of Governors encourages all 73 districts and 115 colleges that constitute the system of the California Community Colleges to participate in California's Complete Count Census statewide outreach efforts to have a complete count and accurate count of all Californians; and be it further

**RESOLVED**, that each district Board of Trustees of the California Community Colleges adopt a local resolution to ensure that every district is accurately counted in the 2020 U.S. Census.

Dated: May 20, 2019

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Tom Epstein, President  
Board of Governors California Community Colleges





“Digest” means an item has been through internal review by the Chancellor’s Office and the review entities. The item now has form and substance and is officially “entered into Consultation.” The Council reviews the item and provides advice to the Chancellor.

**Item 8 Title:** Recommendations Related to the Student Centered Funding Formula

**Date:** April 18, 2019

**Contact:** Christian Osmeña, Vice Chancellor of College Finance & Facilities Planning

## ISSUE

This item seeks consultation on recommendations the Chancellor would make to the Governor and Legislature on changes to the Student Centered Funding Formula (SCFF).

## BACKGROUND

The Student Centered Funding Formula, as implemented beginning in the 2018-19 fiscal year, apportions funding to districts using a base allocation linked to enrollment, a supplemental allocation designed to benefit low-income students, and a student success allocation based on each district’s student outcomes. Under the planned three-year phase-in of new formula factors, the base allocation would decline from about 70 percent of total funding to 65 percent in 2019-20 and 60 percent in 2020-21. The student success allocation, conversely, would increase from about 10 percent to 15 percent and 20 percent in the three years, respectively. The supplemental allocation would constitute about 20 percent of total funding in each year of the phase-in. This implementation would occur through changes in the funding rates for the base allocation and student success allocation.

The Governor’s budget proposal continues the Student Centered Funding Formula but adjusts the implementation provisions in part response to issues raised about SCFF data and revised assumptions about the state’s immediate, and longer-term, fiscal condition (including slower Proposition 98 growth moving forward). Specifically, funding rates for 2019-20 would reflect the 2018-19 rates plus a cost-of-living adjustment (COLA)—a continuation of the 70-20-10 split across the base allocation, supplemental allocation, and student success allocation. The budget also limits year-to-year growth in the total amount of funds calculated for the student success allocation to 10 percent. Finally, proposed trailer bill language would modify the definition of the number of students who transfer to four-year universities to count students only once.

The Chancellor’s Office has developed some policy alternatives to respond specifically to the issues raised in the Governor’s Budget. In doing so, the Chancellor’s Office continues to aim to do the following through the SCFF:

- Encourage progress toward the *Vision for Success* accepted by the Board of Governors.
- Recognize that districts should receive additional resources to help certain groups of students who face especially high barriers to success meet those goals.

- Make additional resources most useful to community college districts by allocating them through a formula that is sufficiently simple, transparent, and stable.

The attached document includes issues for consideration by the Consultation Council. The Chancellor intends to make recommendations to the Governor and Legislature for changes in the SCFF statutes for implementation in 2018-19 and 2019-20. Following this meeting, the Chancellor would transmit a letter including recommendations to those policymakers, as well as to the members of the SCFF Oversight Committee and the Community College League of California Funding Formula Taskforce.

## **FEEDBACK/QUESTIONS FOR COUNCIL**

The Chancellor's Office is seeking general feedback on the issues and alternatives presented in the attached document.

**ATTACHMENTS:** Student Centered Funding Formula Considerations (Attachment 1).

**Item 8, Attachment 1**  
**CONSULTATION COUNCIL**  
**April 18, 2019**

**STUDENT CENTERED FUNDING CONSIDERATIONS**

#	Issue	Existing Law	Potential Alternative
1	"Hold Harmless" Provisions	Existing law specifies that a district would receive at least the following: <ul style="list-style-type: none"> <li>• In 2018-19, the 2017-18 total computational revenue adjusted by the 2018-19 cost-of-living adjustment (COLA).</li> <li>• In 2019-20, 2017-18 revenues adjusted by the 2018-19 and 2019-20 COLAs.</li> <li>• In 2020-21, 2017-18 revenues adjusted by the 2018-19, 2019-20, and 2020-21 COLAs.</li> </ul>	Extend this "hold harmless" provision by one year, such that, in 2021-22, districts would receive at least their 2017-18 revenues, adjusted by the 2018-19, 2019-20, 2020-21, and 2021-22 COLAs.
2	Limit on Year-to-Year Funding Increases	No related provisions—though the SCFF continues existing practices that limit enrollment growth by an amount specified in the annual budget.	Limit increases in the total computational revenue to three times the amount budgeted for a COLA for that year. For example, as part of the apportionments made for 2018-19, limit year-over-year increases (compared to 2017-18) to 8.13 percent (three times the budgeted COLA of 2.71).

3	Counts of Student Success Allocation Awards	Existing law counts all outcomes, regardless of whether the same student attained more than one of the outcomes.	Count only one of the following in a single year: (1) associate degree for transfer, (2) associate degree, (3) baccalaureate degree, or (4) credit certificate (16 units or greater).  That is, if a student earned more than one of these in a given year, the district would receive funds for the outcome to which the highest points are attributed. However, if a student received one in the first fiscal year and another in a subsequent year, the district would receive funds for both of the outcomes in the respective years.
4	Definition of Completion of Nine or More Career Technical Education Units	Existing law counts the number of students who completed nine or more career technical education (CTE) units in the same academic year. [CTE is defined as CTE courses are Standard Accountability Measure (SAM) A, B, C courses or all courses with a CTE Taxonomy of Programs (TOP) code.]	Count this outcome only if the student completes at least nine or more CTE units in the same discipline, defined as courses within the same two-digit TOP code.
5	Definition of Successful Transfer to Four-Year University	Existing law counts the number of students who successfully transfer to any four-year university, with an outcome credited to each district in which student enrolled in the year prior to transfer.	Count this outcome at a district only if the student, in the year before transfer, completed at least nine units in the district.
6	Definition of Attainment of Regional Living Wage	Existing law counts the number of students who are earning a regional living wage, with an outcome credited to each district in which student enrolled in the year prior to exit.	Count this outcome at a district only if the student, in the year before exit, completed at least nine units in the district.
7	Definition of Outcomes Related to Awards	Existing law counts all awards (i.e., associate degrees for transfer, associate degrees, baccalaureate degrees, and credit certificates) in a given year.	Count awards only if a student completed nine or more units at the district in that same academic year.

<b>8</b>	Use of Simple Average for Student Success Allocation Counts	Existing law uses prior-year counts for each of the outcomes in the student success allocation.	Use simple average of the outcomes for the prior year and the prior prior year. That is, for 2019-20, the factors would be a simple average of the counts for 2017-18 and 2018-19.
<b>9</b>	Use of Simple Average for Supplemental Allocation counts	Existing law uses prior-year counts for each of the factors in the supplemental allocation.	Use a simple average of the factors (i.e., counts of Pell Grant recipients, California College Promise Grant recipients, and AB 540 students) for the prior year and the prior prior year. That is, for 2019-20, the factors would be a simple average of the counts for 2017-18 and 2018-19.
<b>10</b>	Counts of Residents Students in Student Success Allocation	Existing law counts outcomes of students regardless of students' classification for purposes of administration of the enrollment fee.	Count outcomes only if the student is classified as a resident student (for purposes of administration of the enrollment fee) at some point during enrollment at the community colleges. (This alternative does not change any provisions related to AB 540 students. AB 540 students would continue to be counted and generate additional funding under the SCFF.)
<b>11</b>	Counts of Residents Students in Supplemental Allocation	Existing law counts students regardless of students' classification for purposes of administration of the enrollment fee.	Include a student in the counts of Pell Grant recipients and California College Promise Grant recipients only if the student is classified as a resident student (for purposes of administration of the enrollment fee). (This alternative does not change any provisions related to AB 540 students. AB 540 students would continue to be counted and generate additional funding under the SCFF.)

<b>12</b>	Alignment of Student Success Allocation Counts Consistent with Intent on Special Admit Students and Students in Correctional Facilities	Existing law counts outcomes of students regardless of students' classification as special admit students or students in correctional facilities.	Clarify statute consistent with the legislative intent that funding be provided for special admit students and students in correctional facilities through the base allocation by making explicit that outcomes of students whose enrollment has been exclusively in one of those categories are not to be counted.
<b>13</b>	Alignment of Supplemental Allocation Counts Consistent with Intent on Special Admit Students and Students in Correctional Facilities	Existing law counts students regardless of students' classification as special admit students or students in correctional facilities.	Clarify statute consistent with the legislative intent that funding be provided for special admit students and students in correctional facilities through the base allocation by making explicit that outcomes of students whose enrollment has been exclusively in one of those categories are not to be counted.
<b>14</b>	Three-Year Calculation of FTES	Existing law specifies a calculation to be used to determine the credit FTES applied in the formula. In general, this formula operates such that credit FTES (excluded FTES of special admit students and students in correctional facilities) for the current year (excluding growth FTES), prior year, and prior prior year are averaged, with growth FTES for the current year added to this total.	<p>Count FTES (for purposes of the SCFF) using a simple three-year average of reported FTES in the current year, the prior year, and the prior prior year in each of the following categories:</p> <ul style="list-style-type: none"> <li>• Credit FTES (excluding FTES of special admit students and students in correctional facilities).</li> <li>• Credit FTES of special admit students.</li> <li>• Credit FTES of students in correctional facilities.</li> <li>• Noncredit FTES (excluding CDCP noncredit FTES).</li> <li>• CDCP noncredit FTES.</li> </ul> <p>That is, for 2019-20, the FTES counts would be a three-year average of FTES for 2017-18, 2018-19, and 2019-20.</p>

15	Adjustments to Various SCFF Rates	Existing law specifies rates for each of the factors included in the base allocation, supplemental allocation, and student success allocation, aiming for a 70-20-10 split across those three allocations in 2018-19 and moving toward a 60-20-20 split by 2020-21. The Governor's Budget proposes a continuation of the 70-20-21 split in 2019-20. Existing law specifies various point values within the supplemental allocation and student success allocation.	Adjust the per-factor rates for each of the factors in the base allocation, supplemental allocation, and student success allocation, such that the split across the three allocations would be approximately 70-20-10 in 2019-20, with the existing points structure used to adjust the rates in the supplemental allocation and student success allocation and any changes made to the credit FTES rate in the base allocation.
16	Adjustments Based on Revised Estimates of Offsetting Revenues	Under existing practice, the state determines General Fund appropriations when the annual budget is enacted, in part based on estimates of local property taxes and Education Protection Account revenues (because those revenues offset the state costs of the Student Centered Funding Formula).	Enact statutes that authorize the state to adjust General Fund appropriations for the Student Centered Funding Formula following enactment of the annual budget to account for revised estimates of local property taxes and Education Protection Account revenues. That is, if offsetting revenues are higher than estimated, General Fund appropriations would increase by a corresponding amount.





“Digest” means an item has been through internal review by the Chancellor’s Office and the review entities. The item now has form and substance and is officially “entered into Consultation.” The Council reviews the item and provides advice to the Chancellor.

**Item 9 Title:** Report of the Workgroup on Regulations

**Date:** April 18, 2019

**Contact:** Christian Osmeña, Vice Chancellor of Finance & Facilities Planning

## ISSUE

This item seeks consultation on the final report of the Workgroup on Regulations, including whether any of its recommendations should be considered by the Board of Governors.

## BACKGROUND

Former Chancellor Harris encouraged the formation of the Workgroup on Regulations (Workgroup) to focus on regulations in two areas: the “50 Percent Law” and provisions around full-time faculty (covering both the Faculty Obligation Number and the goal that at least 75 percent of the hours of credit instruction be taught by full-time faculty).

In March 2016, that Workgroup presented a proposal to the Consultation Council. (That proposal is available as an attachment to the agenda for that meeting.) The proposal described the situation as follows:

“For many years, the 50% Law (Education Code Section 84362) and the Faculty Obligation Number (FON, Title 5 Sections 51025 and 53311) have been both guiding principles and sources of controversy in the California Community College System. Attempts have been initiated on numerous occasions and from various parties to reform or even abolish these statutory and regulatory requirements. However, as much as some groups have called for change, others have just as vigorously defended these requirements as necessary and beneficial to the system. As a result, both the 50% Law and the FON have remained essentially unchanged.”

The Workgroup presented the proposal to Chancellor Oakley following his appointment. The Workgroup then reviewed recommendations in light of changes in policy that had occurred since its initial presentation, including the adoption by the Board of Governors of the *Vision for Success* and the system’s implementation of Guided Pathways, the Workgroup presented to the Consultation Council a revised report in March 2018.

The Workgroup again reconvened, at the request of Chancellor Oakley, to review its recommendations given the implementation of the Student Centered Funding Formula. The Workgroup met on March 11, 2019. The Workgroup’s final report is attached. The report indicates which of its members are in support of the recommendations included therein.

Given the transmittal of this final report, the Workgroup's deliberations are now complete. The Chancellor is now considering what statewide actions, if any, should be proposed for consideration by the Board of Governors.

## **FEEDBACK/QUESTIONS FOR COUNCIL**

The Chancellor's Office is seeking feedback on the issues and alternatives presented in the attached document to determine whether sufficient support exists to present recommendations to the Board of Governors.

**ATTACHMENTS:** 50% Law and FON Updated Proposal (Attachment 1).

## Item 9, Attachment 1

### **THE 50% LAW AND THE FACULTY OBLIGATION NUMBER: AN UPDATED PROPOSAL**

The Workgroup on CCC Regulations originally presented “The 50% Law and the Faculty Obligation Number: A Proposal” at the March 17, 2016, Consultation Council. The original proposal focused on the Faculty Obligation Number (FON) and the 50% Law, delivering a collection of both specific and general recommendations. This latest version of the proposal has been revised to make its recommendations more concrete and to align the proposal in support of achieving the system’s 2017 *Vision for Success* as articulated in that document’s six system-wide goals and the seven core commitments. The focus of this updated proposal is on increasing the number of full-time faculty, a component essential to the fulfillment of the commitments outlined in the *Vision for Success*. In addition, this updated proposal fits well with any student success centered funding formula that might be adopted for the California Community Colleges.

#### ***Proposal***

For many years, the 50% Law (Education Code Section 84362) and the Faculty Obligation Number (FON, Title 5 Sections 51025 and 53311) have been both guiding principles and sources of controversy in the California Community College System. Attempts have been initiated on numerous occasions and from various parties to reform or even abolish these statutory and regulatory requirements. However, as much as some groups have called for change, others have just as vigorously defended these requirements as necessary and beneficial to the system. As a result the 50% Law and the FON have remained essentially unchanged.

In the fall of 2014, a small contingent of faculty and administrators, motivated by their shared interest in exploration of ways to improve the 50% Law and the FON, embarked on an effort to set in motion a serious discussion of these requirements. Presentations at conferences and meetings of the Community College League of California, the Academic Senate for California Community Colleges, the Association of California Community College Administrators, and other groups revealed significant interest and willingness from many different parties to engage in this discussion. In response to this interest, Chancellor Brice Harris commissioned a small workgroup of faculty and administrators to explore the issues and, if possible, to develop a proposal for reform.

The workgroup considered a number of issues relevant to the 50% Law and the Faculty Obligation Number. Among these issues were the changing needs of students and the changing instructional environment since the 50% Law was enacted in 1961 and the FON was instituted in conjunction with AB 1725 (Vasconcellos) in 1988. The discussion included the ways in which instructional practice has changed, especially with regard to how learning has become a shared activity with a greater appreciation for instructional support services inside and outside the classroom. While the community college system has

always been dedicated to student success, the more recent focus on services that support student success through initiatives such as the Student Success and Support Program, along with an increased emphasis on accountability and a greater dependence on instructional technology, call for a redefinition of the expenses considered to be instructional in nature. The workgroup also considered the ways in which the various requirements of the 50% Law and the FON might be aligned into a more compatible and cohesive form. With regard to the FON, the group explored ways in which the system might make steady progress toward the goal stated in Education Code Section 87482.6 of 75% of instructional hours being provided by full-time faculty, something the present FON requirement was never designed to accomplish.

As it deliberated on possibilities for revisiting the 50% Law and the FON, the workgroup agreed on the following overall guiding principles and conclusions:

- A. The focus of the 50% Law should continue to be on instructional costs.
- B. Any new definition of instructional costs would necessitate a re-determination of the percentage of general fund dollars appropriate to those costs.
- C. General fund match requirements should be eliminated for all restricted funds.
- D. The FON should be modified to reflect an ongoing focus on making progress toward the 75% Goal in a systematic way.

Within this context, the workgroup developed proposals for revising the 50% Law and the FON. The workgroup members unanimously agreed upon and supported these proposals and believe them to be realistic changes that can address the various interests of the system's constituent groups. However, these discussions constituted only the first step in a process. The workgroup agreed that a further set of meetings to review statistical data and establish the recommended changes was required in order for these proposals to move forward.

Late in 2017, Chancellor Eloy Ortiz Oakley requested the workgroup to reconvene and consider revisions to its original proposal in order to align it with the California Community Colleges' *Vision for Success* document accepted by the Board of Governors in July 2017.

In this regard, the need to increase the number of full-time faculty at all districts in order to strengthen the colleges' ability to achieve the *Vision for Success* goals became the primary focus of this revision. This updated proposal is intended to provide both the framework for a system wide discussion and the core components for a serious consideration of possible revisions of the 50% Law and 75% Goal. Given ongoing discussions about a "new" funding model, this updated proposal for revising the 50% Law and 75% Goal is designed to be supportive of college efforts to meet student success needs.

Any actual recommended change to either statute or regulation will require agreement through the system's established consultation process.

## ***The 50% Law***

In no case did the workgroup entertain the idea of abolishing the 50% Law. The workgroup members recognized that the law serves specific purposes for which it should be preserved. Rather, the focus of the workgroup was to consider ways to revise the law in a manner that retains its focus on learning and instruction while allowing more budgetary flexibility and making it more compatible with the 75% Goal.

After entertaining a variety of approaches to this issue, the workgroup agreed that the essential structure of the 50% Law should remain unchanged but that the definition of instructional expenses should be reconsidered. With the expenses that should be included on the instructional side of the law's equation having been identified, the workgroup also agreed that an appropriate percentage of instructional costs as a proportion of the general fund total costs will need to be determined and that ultimate consensus by the workgroup is dependent upon agreement regarding this percentage.

In determining which expenses to include as aspects of instruction, the workgroup agreed in principle that only costs that directly impact instruction and learning should be included. The direct instructional costs that are outlined in the current 50% Law were retained as essential in the calculation of instructional expenses. The following criteria were used in determining additional costs that could be included as instructional:

- A. All faculty work outside the classroom that plays a direct role in the education of students.
- B. Individuals who provide educational services directly to students.
- C. Services that assist in the direct education of students.
- D. Governance activities that pertain directly to the education of students.
- E. Professional activities that pertain to the curriculum.

Using these criteria, the workgroup considered a wide array of possibilities. Some proposed expenses were rejected on the basis that they were primarily administrative functions, were too distant from the classroom, or for other reasons that prevented them from meeting the criteria. The final determination of the workgroup was that the following expenses should be included as instructional in the new calculation:

- A. All expenses considered to be instructional in the current calculation.
- B. Salaries and benefits of counselors and librarians.

*Counselors and librarians are faculty members who serve necessary functions for the instruction of students, whether inside or outside the classroom.*

- C. All tutors performing in an instructional capacity in a supervised setting.

*Tutoring and support services, including supplemental instruction programs, are an essential aspect of promoting student success. These expenses should be limited to college-developed programs that involve tutoring services monitored by and performed under faculty supervision. Tutoring services should be seen as a supplement to faculty and should not be used to replace direct faculty instruction.*

- D. Faculty reassigned time for instructional program and curriculum development and modification.

*Faculty participation in curriculum development, design, and modification is necessary for the creation and maintenance of effective instructional programs.*

- E. Reassigned time for college and district academic senate governance activities.

*Academic Senate participation and representation in governance activities is essential for effective collegial decision-making that has a direct impact on the instructional program.*

In addition to the inclusion of the expenses listed above in the calculation of the 50% Law, the workgroup also recommends the expenses of counselors and librarians be extended to include not only the unrestricted general fund, but also restricted general fund categorically funded counselor and librarian ongoing positions, for example, ongoing positions funded under SSSP, Equity, EOPS, DSPS, CalWORKS, CAFYES, Workforce, etc. Including all of the expenses in the list above in what is now the 50% Law together with extending the calculation to ongoing restricted categorically funded counselor and librarian positions requires that a new value of the target percentage be set. This new percentage must be based on reliable system data on the costs of counselors, librarians, and the other categories in the list above.

In addition, the workgroup agreed that new purchases for instructional software and technology should be excluded from the 50% Law calculation and should not be counted on either side of the equation.

### ***The System's 75% Goal***

When AB 1725 was passed by the California Legislature in 1988, Assembly Member John Vasconcellos and the other writers emphasized the importance of full-time faculty as a central, significant, and vital cohort of a community college. The bill explained this importance as follows:

If the community colleges are to respond creatively to the challenges of the coming decades, they must have a strong and stable core of full-time faculty with long-term commitments to their colleges. There is proper concern about the effect of an over-reliance upon part-time faculty, particularly in the core transfer curricula. Under current conditions, part-time faculty, no matter how talented as teachers, rarely



participate in college programs, design departmental curricula, or advise and counsel students. Even if they were invited to do so by their colleagues, it may be impossible if they are simultaneously teaching at other colleges in order to make a decent living. (AB 1725 Vasconcellos 1988 Section 4.b).

A specific goal was set to address the need for an adequate number of full-time faculty in every community college district, a goal which was linked to both policy and funding. AB 1725 added the following section, Section 87482.6, to the Education Code:

(a) Until the provisions of Section 84750 regarding program-based funding are implemented by a standard adopted by the board of governors that establishes the appropriate percentage of hours of credit instruction that should be taught by full-time instructors, the Legislature wishes to recognize and make efforts to address longstanding policy of the board of governors that at least 75 percent of the hours of credit instruction in the California Community Colleges, as a system, should be taught by full-time instructors. To this end, community college districts which have less than 75 percent of their hours of credit instruction taught by full-time instructors shall apply a portion of the program improvement allocation received pursuant to Section 84755 as follows:

(1) Districts which, in the prior fiscal year, had between 67 percent and 75 percent of their hours of credit instruction taught by full-time instructors shall apply up to 33 percent of their program improvement allocation as necessary to reach the 75 percent standard. If a district in this category chooses instead not to improve its percentage, the board of governors shall withhold 33 percent of the district's program improvement allocation.

(2) Districts which, in the prior fiscal year, had less than 67 percent of their hours of credit instruction taught by full-time instructors shall apply up to 40 percent of their program improvement allocation as necessary to reach the 75 percent standard. If a district in this category chooses instead not to improve its percentage, the board of governors shall withhold 40 percent of the district's program improvement allocation.

Districts which maintain 75 percent or more of their hours of credit instruction taught by full-time instructors shall otherwise be free to use their program improvement allocation for any of the purposes specified in Section 84755.

(b) The board of governors shall adopt regulations for the effective administration of this section. Unless and until amended by the board of governors, the regulations shall provide as follows:

The text of the bill then details how this application of state funding shall occur through the calculation of a required number of full-time faculty for each community college, a process that has become known as the FON or Full-Time Faculty Obligation Number.

At the time of this legislation, it was envisioned that a combination of state funding in



support of the program-based funding model and institutional compliance would enable the community colleges to make steady progress toward reaching the goal of having 75% of its instruction performed by full-time, tenured faculty.

As noted in AB 1725, this “75% Goal” has been a long-held aspiration of the community college system, but circumstances since the bill’s passage have intervened to prevent the colleges from making progress, among them:

- A. The lack of support for the program-based funding model and the failure to sustain other funding mechanisms such as Partnership for Excellence that included funding for full-time faculty positions.
- B. Inadequate funding of colleges, especially during fiscal recessions, both major and minor, that affected the flexibility of and posed competing priorities for districts in using General Fund dollars for full-time faculty positions.
- C. Retirement incentives, staffing freezes and attrition, and other cost saving methods that reduced faculty and other employee group numbers as a means to contain college and district expenses under state funding limitations.
- D. The Workload Reduction imposed in 2009 that significantly lowered community college enrollments by reducing the number of class sections offered on college campuses and in turn reduced the number of teaching faculty as part-time faculty lost assignments and full-time faculty positions were lost through attrition.
- E. The expectation that colleges will respond rapidly to increases in student/community demand by quickly adding classes taught by part-time faculty without considering how these classes will be converted into full-time faculty positions.
- F. State budgets that sporadically include special funding for full-time faculty positions that remain inadequate to overcome to negative effects of decades of budget reduction and uncertainty.

Nevertheless, the Board of Governors, the California Community Chancellor’s Office, as well as local colleges and districts, have continued to support the 75% Goal and to track “progress” using the Faculty Obligation Number or FON as prescribed in AB 1725.

For a full report, see the “Workgroup Report on 75/25 Issues” available on the State Chancellors Office [website](http://californiacommunitycolleges.cccco.edu/Portals/0/Reports/workgroup_75_25_proposal.pdf) ([http://californiacommunitycolleges.cccco.edu/Portals/0/Reports/workgroup\\_75\\_25\\_proposal.pdf](http://californiacommunitycolleges.cccco.edu/Portals/0/Reports/workgroup_75_25_proposal.pdf)).

The FON, as established in 1989, provides a means of ensuring that colleges, at a minimum, increase their number of full-time faculty in proportion to their growth in credit FTES. Annually, the CCC Board of Governors determines whether or not the state budget has

provided colleges with resources adequate to implement the FON regulations. However, increases in the FON in times of growth are reversed in times of revenue decline, and at best, the FON maintains the status quo full-time faculty percentage.

Since the creation of this system of tracking and enforcement, there has been little or no progress in the percentage of instruction provided by full-time faculty in the California Community Colleges. In fact, the percentage has actually decreased rather than increased, with the system slipping to about 55% following the recent Great Recession. The FON mechanism, rather than encouraging the system to make progress toward 75%, has itself become the focus for most colleges, disconnected from the 75% Goal.

If progress is desired, it is imperative to refocus the system's attention on the original 75% instructional goal and, if the FON or another metric is used to track numerical progress, it should be clear that this is a tracking method regarding progress toward the goal, not an end or a goal in itself.

The workgroup recommends statutory and regulatory changes to effect the full-time faculty 75% Goal:

- A. The California Community Colleges should set additional full-time faculty positions as a priority, advocate forcefully for additional funding for these positions, and insist that the annual state budget include a standing line-item allocation for the purpose of hiring additional full-time faculty.
- B. The CCC Chancellor's Office should track and annually publish districts' progress toward its 75% Goal, using the same methodology as the full-time faculty obligation compliance reports.
- C. The CCC Board of Governors should review district progress toward their local 75% goals annually. It should provide regulatory guidance to districts in much the same way as AB 1725 did with districts more distant from 75% expected to move forward more aggressively than those closer to reaching the goal. This new proposal sets a minimum annual requirement of 10% improvement for each district. This will require districts with the largest 75% gap to make the greatest improvement while districts closer to 75% would have a smaller required improvement. Example: a district currently at 55% would have a 20% gap to resolve and would need to increase its percentage by 2% per year (10% of its 20% gap). The increase shall be rounded up to the nearest whole number FTEF.

Failure to meet these Board minimums could be enforced in much the same way as the FON is currently enforced through withholding funds proportional to the statewide average cost of the full-time faculty that should have been hired to meet the district's percentage goal. It is also recommended that the Board of Governors and the Chancellor's Office develop a means to ensure that community supported/basic aid districts comply with the same provisions, subject to the same penalties as apportionment based districts.

- D. With the emerging importance of noncredit education, it is time to include noncredit instructors within the 75% Goal, so the entirety of this proposal should also apply to noncredit programs and their faculty.
- E. In support of the Board of Governors annual review, all community college districts should be required to submit an annual report to the State Chancellor's Office on their five-year plans for full-time faculty hiring designed to make local progress toward the 75% Goal. These plans should be incorporated as a section of the colleges' and districts' annual integrated planning process. Completion and submission of the plan should require signatures of the district's Chancellor or Superintendent/President, the President of the Board of Trustees, the President of the Academic Senate, and the appropriate faculty bargaining agent. Elements of the plan should include:
  - 1. The district's historical performance in terms of its progress toward meeting the 75% Goal.
  - 2. Details of the district's historical full-time faculty hiring progress, specifically identifying new positions that are not replacement but represent actual additions to the total full-time faculty workforce complement.
  - 3. The district's projected five-year goal for making progress toward the 75% Goal, including specific strategies.
  - 4. The district's anticipated strategies for achieving its five-year goal, including maintenance wherever possible of its full-time faculty numbers in the event of an economic downturn, and progress toward the 75% Goal both in years in which the system receives growth funding or other additions to base funding and in years in which designated state-level funding for such hiring is not provided. (In the latter case, it is understood that progress will be limited, but districts will be encouraged whenever possible or feasible to reallocate some internal funding toward full-time faculty positions.)

Once this recommendation is accepted, the launch of this proposal must begin with a re-benching to the current status quo percentages in each district.

To assure an ongoing local commitment to achieving the 75% Goal, penalties for failure to make progress will be determined by the California Community Colleges Chancellor's Office and Board of Governors. Some aspects of this have been described above. Hardship exemptions may be granted by the Board of Governors under similar conditions as are currently allowed under the 50% Law.

Data regarding each district's performance and progress toward achieving the 75% Goal should be included in the system's published metrics for districts and colleges, such as the CCC Scorecard and the CCCCO Institutional Effectiveness Partnership indicators.

### ***Workgroup Further Steps***

Definition of instructional expenses and a process for promoting full-time faculty hiring were the focus from the initial discussions of the workgroup and are outlined in this report. While the workgroup reached consensus on these matters, all members recognize that the consensus will not be complete until further details are defined and the process on both issues is completed.

- A. The workgroup has completed its review and recommendations to amend Education Code Section 84362, previously referred to as the 50% Law. The proposal has now been submitted to the California Community Colleges' Consultation Council.
- B. The workgroup has completed its review and recommendations to amend Education Code Section 87482.6, previously addressing the program-based funding component of the 75% Goal. The proposal has now been submitted to the California Community Colleges' Consultation Council.
- C. The workgroup also recognizes that revision of the 50% Law and establishment of a process that demonstrates commitment to progress toward the 75% Goal for full-time faculty are dependent on one another. Both revisions must be pursued in conjunction with one another, with the requirement of a full commitment of system partners to both revisions before either takes place.

**Workgroup on CCC Regulations first meeting was on September 23, 2015.** Original members of the workgroup are identified in the various sections below based upon those that attending the first meeting in 2015.

In-person Meetings of the workgroup were held at SDCCD on the following dates: 9/23/15; 10/12/15; 11/23/15; 02/11/16; 01/27/16; 12/18/17; 03/11/19.

The workgroup's original Proposal went to Consultation Council on: March 17, 2016 and on March 15, 2018 as an Updated Proposal.

#### ***Task Force Members as of March 11, 2019:***

- Julie Bruno, Immediate Past President, ASCCC (Former Co-Chair) – Member since 2015
- Constance Carroll, Chancellor, San Diego CCD – Member since 2015
- Bonnie Ann Dowd, Executive Vice-Chancellor, Business and Technology Services, San Diego CCD, Workgroup Co-Chair – Member since 2015
- William Duncan, Superintendent-President, Sierra CCD – Member since 2015\*
- Richard Hansen, Former President, CCCI – Member since 2015
- Jim Mahler, President, CFT Community College Council – Member since 2015
- Lynette Nyaggah, President, CCA/CTA – Member since 2015
- John Stanskas, Vice President, ASCCC, Workgroup Co-Chair (Member since 2017)

Members listed above support the recommendation with the understanding that a change to the 50% Law percentage amount requires, as noted on page 4 of the report, that “This new percentage must be based on reliable system data...” for the costs of counselors and librarians, which are to be included as instructional (as noted on page 3 of the report) along with some other identified expenses to calculate the new percentage amount.

\*Member unable to confirm support pending data being used to determine new percentage amount.

### ***Other or Former Task Force Members***

- David Morse, Former President, Academic Senate for California Community College and Workgroup Co-Chair (Member 2015-2017)
- Sandra Serano, Former Chancellor, Kern Community College District – retired (Member 2015 - 2017)
- Joe Wyse, Superintendent/President, Shasta-Tehama-Trinity Joint CCD (Member since December 2017)

### ***Current and Former CCCCCO Representatives on Workgroup***

- Christian Osmena, CCCCCO Vice Chancellor, Finance and Facilities Planning (CCCCCO Representative on workgroup – Member since 2018)
- Dan Troy, Former Vice Chancellor of College Finance & Facilities Planning – (2015-2016)
- Mario Rodriguez, Former Vice Chancellor of College Finance & Facilities Planning (2017 – 2017)
- Erik Skinner, Former Vice Chancellor of College Finance & Facilities Planning – (2017- 2018)
- Frances Parmelee, Assistant Vice Chancellor of College Finance, (2017 – 2018) – attended during transition periods in the Vice Chancellor of College Finance & Facilities Planning position OR as requested by the sitting Vice Chancellor



“Digest” means an item has been through internal review by the Chancellor’s Office and the review entities. The item now has form and substance and is officially “entered into Consultation.” The Council reviews the item and provides advice to the Chancellor.

**Item 10 Title:** State and Federal Update

**Date:** April 18, 2019

**Contact:** Laura Metune, Vice Chancellor of Governmental Relations

## ISSUE

The California Community Colleges Chancellor's Office (CCCCO), Division of Governmental Relations seeks feedback on several bills pending in the State Legislature.

## BACKGROUND

California law (Ed Code § 70901(b)(4)) requires the Board to provide representation, advocacy and accountability for the system before state and national legislative and executive agencies. The Board Procedures and Standing Orders provide guidance to the Chancellor in representing the California Community Colleges on matters pending before the California Legislature and Governor, and Congress and the President. The Procedures and Standing Orders also authorize the Chancellor to take positions on pending legislation on behalf of the Board, as specified (Procedures and Standing Orders § 317).

The Governmental Relations division represents the CCCCCO and the Board on state and federal policy and advocacy matters. The California Community Colleges *Vision for Success*, the 2019-20 Board of Governors Budget and Legislative Request, and prior Board positions guide the activities of the division. In general, the division seeks feedback from the Consultation Council and the Board of Governors prior to taking positions on pending policy matters.

The division is providing analyses on several bills, and seeking feedback prior to taking a formal position.

1. AB 2 (Santiago) – Proposed for Discussion
2. AB 540 (Limón) – Proposed Support
3. AB 542 (Gabriel) – Proposed Support
4. AB 612 (Weber) – Proposed Support
5. AB 1313 (Rivas) – Proposed Support
6. AB 1689 (McCarty) – Proposed Support
7. AB 1774 (Bonta) – Proposed Support

## CHANCELLOR'S OFFICE POSITIONS

(SP) Sponsor = Approved for Sponsorship by the Board of Governors.

(S) Support = Aligns with Board priorities and CCCCCO has taken formal support position.

(SA) Support if Amended = Requires amendment(s) to secure CCCCCO support.

(PS) Proposed Support = Identified for support, pending in review and approval process.

(UR) Under Review = CCCCCO is gathering information before recommending a position.

(W) Watch = Insignificant impact on the system/does not warrant official position.

(C) Concern = Potentially negative impact on system and may require amendments.

(OA) Oppose unless Amended = Negative impact on system, requires amendments; formal Oppose.

(O) Oppose = Negative impact on system; formal Oppose.

## FEEDBACK/QUESTIONS FOR COUNCIL

The Chancellor's Office is seeking feedback on the bills proposed for a policy position.

**ATTACHMENTS:** AB 2 – Santiago (Attachment 1), AB 540 – Limón (Attachment 2), AB 452 – Gabriel (Attachment 3), AB 612 – Weber (Attachment 4), AB 1313 – Rivas (Attachment 5), AB 1689 – McCarty (Attachment 6), AB 1774 – Bonta (Attachment 7).



## Item 10, Attachment 1

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** AB 2

**Author:** Assemblymember Miguel Santiago

**Status:** Assembly Appropriations Committee – Suspense File

**Committee/Floor Votes:** Assembly Higher Education Committee 11-1

#### Bill Summary:

This bill expands the California College Promise, established by AB 19 (Santiago), Statutes of 2017, to waive fees for up to two academic years for full-time community college students.

#### Bill Detail:

Current law authorizes California Community Colleges to waive fees for up to one academic year for first time students enrolled full-time. Specifically, this bill:

- Authorizes a California Community College to waive fees for all full-time community college students for up to two academic years.
- Provides that students who have obtained a degree or certificate from a postsecondary institution would be ineligible for this fee waiver.
- Clarifies that, as a condition of receiving funds for this program, a college must use evidence-based assessment and placement practices consistent with the requirements of Education Code section 78213.

#### Discussion:

AB 19 established the California College Promise, which authorizes an eligible community college to waive some or all registration fees for first time, full-time students for up to one academic year. Colleges are authorized to determine whether to spend program funds on fee waivers or other investments that improve student success (need-based grant aid, childcare, outreach programs, etc.).

As a condition of receiving AB 19 funds, colleges must comply with eligibility requirements that serve as the foundational framework for the program. These requirements include:

- Partnering with school districts to establish an Early Commitment to College Program.
- Partnering with school districts to support and improve high school student preparation for college and reduce postsecondary remediation.
- Utilizing evidence-based assessment and placement practices at the community college.
- Participating in the California Community College Guided Pathways Grant Program.
- Maximizing student access to need-based financial aid by (a) leveraging the California College Promise Grant; (b) ensuring students complete the Free Application for Federal Student Aid or Dream Act application; and, (c) participating in the federal loan program.

This bill would expand the fee waiver from one year to two years and would remove the requirement that students be “first time” in order to receive the fee waiver.

### **Fiscal Impact:**

Governor Newsom has proposed to expand the California College Promise to 2 years of full-time attendance for first time students; and has proposed \$80 million, ongoing, to fund the program. This funding would be counted within the Proposition 98 guarantee. By expanding the program to cover all students, not just full-time students, AB 2 would require funding for the California College Promise at \$177 million annually (based on 2017-18 enrollment data). If more Californians enroll in college full-time because of the program, costs would increase.

### **Support/Arguments in Support**

American Academy of Pediatrics  
California City College of San Francisco  
Foothill-De Anza Community College District  
Kern Community College District  
Long Beach Community College District  
Los Angeles College Faculty Guild, Local 1521  
Los Angeles Community College District  
Los Angeles Unified School District  
Los Rios Community College District  
Mayor of Los Angeles Peralta Community College District  
Protect California  
San Diego Community College District  
Santa Monica College  
South Orange County Community College District

### **Opposition/Arguments in Opposition**

Recently, the LAO issued a recommendation to reject the Governor's proposal:

- The Program is in its first year of operation, thus we do not know its effects on full-time enrollment, financial aid participation, and other student outcomes.
- There may be higher priorities for state funds considering the number of low-income students who receive a BOG fee waiver and still find it financially difficult to meet the total costs of college.
- Recent community college reforms create compelling incentives that are consistent and significantly larger than the CCC Promise Program

### **GR Recommendation/Rationale**

The Governmental Relations Division is seeking feedback regarding the costs of the expansion and impacts on Prop 98.

## Item 10, Attachment 2

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** AB 540

**Author:** Assemblymember Monique Limón

**Status:** Assembly Higher Education Committee

**Committee/Floor Votes:** Pending Hearing in Assembly Higher Education

#### Bill Summary:

This bill creates the Cal Grant B Service Incentive Grant Program, commencing with the 2020–21 academic year, under the administration of the California Student Aid Commission (CSAC) for community or volunteer service to community college students who qualify for the exemption from nonresident tuition established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001).

#### Bill Detail:

Specifically, this bill:

- Specifies that a student receiving a service award must be a Cal Grant B recipient, complete at least 100 hours per quarter or 150 hours per semester of community or volunteer service and perform the services through organizations meeting the requirements of Section 69438.7. The organizations shall report the hours of service performed by participating students to CSAC in a timely manner.
- Provides that the period of eligibility to receive a service award grant is a maximum of eight semesters or 12 quarters, and eligible student may receive an award of up to one thousand five hundred dollars (\$1,500) per semester or one thousand dollars (\$1,000) per quarter.
- Specifies the calculations used to determine the amount of a grant award.
- Requires that no more than 2,500 students shall simultaneously participate in the program, and the awards are made to eligible students on a first-come-first-served basis with priority established in order of the date and time of the student's submission of a completed California Dream Act application.
- Specifies eligibility requirements for a student to participate in the program, which include completion of the California Dream Act Application and the required service hours, meeting the requirements for AB 540 status or a similar provision adopted by the Regents of the University of California, the student is a Cal Grant B recipient and determined to have unmet need, and the student is enrolled at a campus of the University of California, the California State University, or the California Community Colleges, or at an independent institution of higher education that participates with the Cal Grant program.

## **Discussion:**

Current law, established by AB 540 and expanded upon by other legislation, allows non-resident students who meet certain qualifications to pay in-state tuition. These students may include undocumented students, students who are US citizens but who are not California residents, and dependent students whose parents are not California residents. The California Dream Act, established by SB 131 (Cedillo, chapter 604, statutes of 2010) allows AB 540 students to apply for and receive private scholarships funded through public universities, state-administered financial aid, University grants, community college fee waivers, and Cal Grants. Students apply for these awards using the California Dream Act Application.

The Deferred Action for Childhood Arrivals (DACA) program is a federal process that defers removal action of an individual for a specified number of years. It allows those who are eligible to have work authorization. Some students with DACA status participate in state work-study programs. A person can be eligible for both the exemption established by AB 540 and DACA status or just either one. The state and federal programs are independent of each other.

An undocumented student without DACA status is not authorized to work and there is growing concern that those with work authorization under the DACA program will soon lose their authorization as the current administration attempts to phase-out the program.

## **Fiscal Impact:**

Local Assistance State General Fund: This bill could result in approximately \$3.75 million General Fund costs for the new grant program. This estimate assumes a grant amount of \$1,500 for the maximum number of 2,500 awards.

State Operations: No additional costs to the Chancellor's Office.

## **Support/Arguments in Support**

According to the California Student Aid Commission, the sponsors of this bill, "California undocumented students are ineligible for federal financial aid programs, including Pell Grants student loan, and workstudy programs. The Federal Work Study program is a key program because it enables students to perform work in exchange for additional financial aid.

Undocumented students are especially vulnerable because even a state based work study program would require work authorization, and with the future of the Deferred Action for Childhood Arrivals program in question, it is unclear that they would be able to participate." This bill seeks to provide AB 540 students who are Cal Grant B recipients with an opportunity to earn additional student aid to cover educational expenses through volunteer service.

## **Opposition/Arguments in Opposition**

N/A

## **GR Recommendation Rationale**

Support. This bill is substantially similar to AB 1037 (2017) which was supported by the Chancellor's Office.

## **Item 10, Attachment 3**

### **CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS**

**Bill Number:** AB 542

**Author:** Assemblymember Jesse Gabriel

**Status:** Assembly Higher Education Committee

**Committee/Floor Votes:** Pending Hearing in Assembly Higher Education

#### **Bill Summary:**

This bill, commencing with the 2020–21 academic year, increase the number of Competitive Cal Grant A and B awards granted annually from 25,750 to 28,750.

#### **Discussion:**

This bill is a companion to AB 541 (Gabriel) which would authorize AB 540 students to be eligible to compete for Competitive Cal Grant awards. This bill increases the number of awards in the Competitive pool in order to cover the additional applicants made eligible by the changes proposed in AB 541.

#### **Fiscal Impact:**

Unknown. For reference, the Governor’s Budget proposes \$9.6 million to fund an additional 4,250 Cal Grant competitive awards, which would raise the total number of new competitive awards authorized annually to 30,000.

#### **Support/Arguments in Support**

N/A

#### **Opposition/Arguments in Opposition**

N/A

#### **GR Recommendation Rationale**

Support. The Chancellor’s Office has consistently supported increases to the number of Competitive Cal Grant awards because they primarily benefit students who begin their journeys at the California Community Colleges. The Chancellor’s Office also has a “pending support” position on AB 541.

## Item 10, Attachment 4

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** AB 612

**Author:** Assemblymember Shirley Weber

**Status:** Assembly Human Services Committee

**Committee/Floor Votes:** Human Services Committee 8-0

#### Bill Summary:

This bill allows the California Department of Social Services (CDSS) to enter into a memorandum of understanding (MOU) with California Community Colleges Chancellor's Office (CCCCO) in order to enable qualifying food facilities located on the campus to participate in the Restaurant Meals Program (RMP).

#### Bill Detail:

Specifically, this bill:

- Makes Legislative findings and declarations related to tuition, housing, and food costs for students enrolled in a California Community College (CCC) and states Legislative intent to reduce food insecurity for students by removing barriers to CCCs participating in the RMP.
- Includes the CCCCCO among the entities with whom CDSS may enter into an MOU for purposes of preventing hunger among college students, as specified, and, further, allows CDSS to enter into a statewide MOU with either or both the Chancellor of the California State University (CSU) and the CCCCCO.
- Allows qualified food facilities located on a CCC campus to participate in the RMP.

#### Discussion:

SNAP/CalFresh benefits are federally funded, and administration at the federal level lies with the United States Department of Agriculture (USDA). The USDA is tasked with setting specific eligibility requirements for SNAP, as well as a gross and net income tests, work requirements, and other documentation requirements. Currently, the maximum allowable gross income is 200% of the Federal Poverty Level (FPL), although households with elderly members or members with disabilities are not subject to gross income criteria, but must have a net monthly income at or below 100% of the FPL. In California, CalFresh is administered at the local level by county human services agencies, with federal, state, and county governments sharing the costs of program administration. Nearly 4 million Californians receive CalFresh benefits; on average, approximately \$135 per month in benefits through an EBT card. CalFresh benefits cannot be withdrawn in cash at point-of-sale terminals or ATMs; instead, individuals may use benefits to purchase food items to be prepared and consumed at home.

The RMP allows certain eligible homeless, elderly and disabled CalFresh recipients to purchase hot and prepared foods from participating restaurants that would otherwise be prohibited. This is due to the unique challenges faced by these populations as it relates to their ability to prepare food, and a potential lack of access to necessary equipment. Currently, 10 California counties participate in the RMP: Alameda, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, San Luis Obispo, Santa Clara, and Santa Cruz.

In 2018, AB 1894 (Weber), Chapter 746, Statutes of 2018, allowed CDSS to enter into an MOU with the Chancellor of the CSU to allow certain restaurants on the campus to participate in the RMP, even if the CSU is located in a county that does not participate in the RMP, in order to increase food access on college campuses. Federal law requires each restaurant to sign an MOU and complete a federal certification process, which requires a restaurant to: 1) Be willing to welcome all those eligible for the RMP, meaning a restaurant cannot serve elderly CalFresh recipients and refuse to also serve CalFresh recipients who are experiencing homelessness or have a disability; 2) Offer a low-cost menu for program participants and agree to SNAP rules prohibiting the charge of a sales tax, meal tax, or gratuities on prepared foods purchased with EBT; and, 3) Agree to post signage stating: EBT or California Advantage Cards Accepted Here.

The provisions of this bill would further the efforts of AB 1894 by including the CCCCCO among the entities with whom CDSS may enter into an MOU for purposes of increasing access to college students who are experiencing homelessness, have a disability, or are elderly.

### **Fiscal Impact:**

Unknown. This bill allows, but does not require a CCC to participate in the RMP.

### **Support/Arguments in Support**

Cabrillo Community College District  
California Catholic Conference  
Cerritos College  
Citrus College  
College of The Desert  
Community College League of California  
Compton Community College District  
Disability Rights California  
Nextgen California  
South Orange County Community College District  
Southwestern Community College District

### **Opposition/Arguments in Opposition**

N/A

### **GR Recommendation Rationale**

Support. This bill aligns with efforts to support colleges in addressing student basic needs.



## Item 10, Attachment 5

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** AB 1313

**Author:** Assemblymember Luz Rivas

**Status:** Assembly Higher Education Committee

**Committee/Floor Votes:** Set to be heard in Health Committee on April 9, 2019

#### Bill Summary:

This bill prohibits a postsecondary institution from using practices that withhold registration privileges or transcripts from current or former students who have outstanding college debt.

#### Bill Detail:

Specifically, this bill prohibits any public or private postsecondary educational institution, or any entity responsible for providing a school's transcripts to students, from doing any of the following:

- Refusing to provide a transcript to a current or former student on the grounds that the student owes a debt to the school;
- Conditioning the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript;
- Charging a higher fee for obtaining a transcript, or provide less favorable treatment to a transcript request, because a student owes a debt; or
- Using transcript issuance as a tool for debt collection.

#### Discussion:

Investigations by Department of Justice officials and recent attention from the media, have documented situations where a student who owes debt or is alleged to owe a debt, cannot obtain their transcripts. For instance, the for-profit Heald College recently shut down and many students were forced to seek transfer to other institutions or find alternatives. However, students were told they would be unable to obtain transcripts needed to transfer to other colleges until they paid off the debt alleged to be owed to Heald. As a result, many students were not able to transfer or complete their college education.

Current federal and state educational policy allows postsecondary institutions to withhold transcripts to collect debt. However, the Legislature has begun to change state policy in this area. For instance, AB 1974 (Gonzalez, Chapter 577, Statutes of 2018) prohibits K-12 public and charter schools from taking certain actions against a student because the student owes a debt, including, but not limited to, withholding grades or transcripts.

Student loan debt can be difficult to overcome and withholding a student's transcript does not ease the burden of paying off the debt or provide opportunities for students to make

progress in achieving their education and career goals. By withholding transcripts, colleges often place students in a predicament where they are unable to advance their careers and earn a salary that actually allows them to pay off their debt. Without access to their transcripts, students are unable to apply to Master's degrees and PhD programs, which often lead to higher paying jobs.

### **Fiscal Impact:**

Unknown. Potential costs to colleges to use other forms of debt collection.

### **Support/Arguments in Support**

California Department of Justice  
Student Borrower Protection Center

The Department of Justice has documented instances where schools and colleges have threatened to withhold transcripts from students as a debt collection tactic. Given the growing cost of higher education and high costs of living, students struggle to pay off debts. The problem with withholding transcripts is that it can be a barrier to a student getting a job or license, or furthering their education at another institution, thereby potentially leading the student into a greater cycle of debt. AB 1313 will prohibit any higher education institution from withholding transcripts for the purposes of debt collection. This is a practice that goes against California's values and protects educational and occupational opportunities for our college students.

### **Opposition/Arguments in Opposition**

While not taking a position on the bill at this time, the university segments have expressed a concern with regard to students transferring to another school – a situation where the school provides an official transcript for the exiting student to the student's new school. Without the ability to withhold the transcript, as a method of debt collection, the student could move between colleges without paying their fees/debts at their time of exit, and the colleges would have to either attempt more costly means of debt collection or write-off that debt.

### **GR Recommendation/Rationale**

Support.

## Item 10, Attachment 6

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** AB 1689

**Author:** Assemblymember Kevin McCarty

**Status:** Assembly Health Committee

**Committee/Floor Votes:** Set to be heard in Health Committee on April 9, 2019

#### Bill Summary:

This bill would create the College Mental Health Services Program, a grant program for colleges and universities to support on campus mental health services. It appropriates \$20 million from Proposition 63 funds, with \$10 million to California Community Colleges.

#### Bill Detail:

Specifically, this bill:

- Creates the College Mental Health Services Program and appropriates \$20 million from the Mental Health Services Fund for the purpose of supporting mental health services and training at public community colleges, colleges, and universities.
- Requires each higher education segment to establish grant program guidelines and develop a request for application (RFA).
- Establishes, the RFA shall include eligibility standards of applicants and required program components, including but not limited to: providing required matching funds, collaborating with county mental health services, increasing staff-to-student ratios, participating in evidence-based best practice programs for mental health services improvements.
- Establishes, the RFA shall also include preferred program component including but not limited to: serving underserved and vulnerable populations, linking to county services than can be reimbursed through student's health coverage, reducing racial disparities in access to mental health services, funding mental health stigma reducing, providing employees and students with education and training on early identification and intervention, and screening students receiving other health care services.
- Establishes grant awards shall not exceed \$500,000 per campus.
- Authorizes awardees to use up to 5% of grant awards for administrative costs; and, provides each system office administrative funds, not exceed 5 percent of the total funds annually.
- Requires each awardee to report on use of funds, evaluation and outcome data, information regarding services offered, the number of individuals served and plans for sustainability of mental health programming beyond grant funding.

## **Discussion:**

The National Alliance on Mental Illness reports that over 75 percent of mental health conditions begin before the age of 24. For college students specifically:

- Suicide is the second leading cause of death among college students;
- One in 4 college students have a diagnosable mental illness; and,
- Depression can be a major factor in students dropping out of school, and leads to suicide and homelessness.

Despite efforts to use one-time grants and base funding to support these services, funding for mental health at California Community Colleges has not kept with the growing student need. At the same time, concerns have been raised that the Mental Health Services Accountability and Oversight Commission and county mental health agencies have not spent the funds available under Proposition 63. Given the critical period of ages 18-24 year, colleges and universities are an ideal partner for counties to provide mental health services.

This bill is sponsored by the Steinberg Institute and would direct \$20 million in Proposition 63 funds to colleges and universities for mental health services.

## **Fiscal Impact:**

This bill appropriates funds from the Mental Health Services Fund and allows for administrative costs, there should be no additional costs to the grant awardees. The Mental Health Services Fund could offset additional costs to the Chancellor's Office to administer the RFA; however, administrative costs should be relatively minor as a similar RFA was developed by the Chancellor's Office pursuant to funding provided in the Budget Act of 2017.

## **Support/Arguments in Support**

The Steinberg Institute

## **Opposition/Arguments in Opposition**

N/A

## **GR Recommendation Rationale**

Support. This bill is substantially similar to AB 2017 (McCarty, 2016) which was supported by the Chancellor's Office.

## Item 10, Attachment 7

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** AB 1774

**Author:** Assemblymember Rob Bonta

**Status:** Assembly Higher Education Committee

**Committee/Floor Votes:** Set to be heard in Higher Education Committee on April 9, 2019

#### Bill Summary:

This bill authorizes the California Student Aid Commission (Commission) to extend the financial aid application deadline if certain conditions are met regarding the Cal Grant application process and natural disasters, and outlines a process to guide postsecondary education institutions.

#### Bill Detail:

Specifically, this bill:

- Authorizes the Commission to grant up to an additional 30 calendar days beyond an application deadline for any financial aid program administered by the Commission if both of the following conditions are met:
  1. The Commission receives a formal request to postpone the application deadline from either the superintendent of a school district or community college district or from the president or chancellor of a California institution of higher education that is eligible to receive state funds for student financial assistance.
  2. The Commission finds that a qualifying event, as defined below, has occurred and has had an adverse effect on the ability of students within the school district, community college district, or an area or region within the state, such as a city or county, to successfully complete and submit their financial aid applications by the established application deadline.
- Defines a “qualifying event” as any event or extenuating circumstance outside of the control of students in an a school district, community college district, or area or region that, in the judgment of the Commission, has had an adverse effect on the ability of students within the district to successfully complete and submit their financial aid applications by an established statutory deadline.
- Requires the Commission to establish procedures, which may include a standardized application form, through which a postponement of an application deadline may be requested by specific individuals, and requires the formal application to be submitted no later than 10 business days after the occurrence of the qualifying event and include specified information.

- Requires the Commission to issue a written notice of the postponement of the deadline within 24 hours of granting the request. The notice shall include the approved postponed deadline, and shall be sent to specified individuals and offices.

### **Discussion:**

Current law limits the Commission's ability to respond to student needs under these conditions. For instance, the wildfire season in California was unprecedented in the size and scope of its devastation. The fires destroyed tens of thousands of homes and forced the evacuation of hundreds of thousands of residents. Postsecondary institutions and systems recognized the adverse impact this had on students and extended the 2019 undergraduate class application deadline for students affected by the fires. To prepare for future unprecedented events, California should provide the Commission with the necessary flexibility to accommodate students' needs.

### **Fiscal Impact:**

Unknown.

### **Support/Arguments in Support**

California Department of Education  
California Student Aid Commission  
City of Oakland  
The Education Trust-West

### **Opposition/Arguments in Opposition**

None on File .

### **GR Recommendation/Rationale**

Support.