



California  
Community  
Colleges

ELOY ORTIZ OAKLEY  
Chancellor

## **Consultation Council Agenda**

Thursday, November 21, 2019

9:00 a.m. to 1:00 p.m.

Community College League of California's Annual Convention

Riverside Convention Center

Meeting Room #2

3400 Market Street

Riverside, CA 92501

### **THE ITEMS ON THIS AGENDA WILL BE DISCUSSED AT THE UPCOMING CONSULTATION COUNCIL MEETING.**

- 1.** Consultation Council Orientation
- 2.** Chancellor's Office Update
- 3.** Student Senate Update
- 4.** Auxiliary Reimbursement Regulation
- 5.** Consultation Council Membership
- 6.** State and Federal Update
- 7.** Other
  - a.** Announcements from Consultation Council members.

### **FUTURE 2019 MEETING DATES:**

December 19, 2019

**Chancellor's Office, Executive Office**  
**1102 Q Street, Sacramento, CA 95811**  
**916.445.8752**  
[Chancellor Office website \(www.cccco.edu\)](http://www.cccco.edu)



California  
Community  
Colleges

Consultation  
Council

## CONSULTATION COUNCIL ORIENTATION

November 21, 2019

1. Introductions
2. *Vision for Success* Overview
3. The Role of the Consultation Council
4. Consultation Council 2020 Goals
5. Administrative Overview of Consultation Council
  - a. 2020 Meeting Calendar
  - b. Adding Items to the Consultation Council
  - c. Conference Call Briefing for Board of Governors Agenda
  - d. Appointing New Representatives

### Documents

- Consultation Council Handbook
- *Vision for Success* Progress Report



## DIGEST ITEM 3: STUDENT SENATE UPDATE

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“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.

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Contact(s): Danny Thirakul, President, SSSCCC  
Lawrence Su, Executive Vice President, SSSCCC

### Issue

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

### Background

The SSSCCC will present the Consultation 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 SSSCCC.

- Student Senate Priorities
  - Developed legislative priorities for 2020-21 (see attachment 1):
    - Financial aid
    - Veterans and incarcerated students
    - Food and housing insecurity
    - Student trustees voting rights
  - Joined coalition with UC and CSU Student Associations to advocate for financial aid reform.
  - Worked on developing an MOU with the California Community Colleges Student Affairs Association to provide training and resources to regions.
  - Recruited and appointed student representatives to various governance committees.
- Legislative and Advocacy
  - Developed proposals for two legislative measures and began seeking authors.

- Recent Events
  - Attended Designing and Implementing Financial Aid Reform in California.
  - Attended CCCSAA Student Leadership Conference and presented four breakouts and one general session.
  - Attended the California Economic Summit event November 7 – 8, 2019, in Fresno.
  - Attended Campaign for Opportunity Champions of Higher Education Celebration November 14, 2019, in Los Angeles.

### **Feedback/Questions for Council**

This item is presented to the Consultation Council for information and discussion.

### **Attachments:**

- 1.** 2019-2020 SSSCC Legislative Priorities

### **Item 3, Attachment 1: 2019-2020 Student Senate for California Community Colleges Legislative Priorities**

The [2019-2020 SSSCC Legislative Priorities report](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-2-1-ssccc-update-a11y) is available on the Chancellor's Office website (www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-2-1-ssccc-update-a11y).



## DIGEST ITEM 4: AUXILIARY REIMBURSEMENT REGULATION

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Contact(s): Marc LeForestier, General Counsel

### Issue

This item concerns a proposal from the Network of California Community College Foundations (NCCCF) to amend title 5’s auxiliary organizations cash reimbursement requirement.

The Education Code authorizes the governing boards of community college districts to establish auxiliary organizations to provide “supportive services and specialized programs for the general benefit of its college or colleges.” (Ed. Code, § 72670.) It is common practice for districts to provide services to auxiliary organizations. However, the Board of Governors’ regulations require “[f]ull reimbursement to the district for services performed by district employees under the direction of the auxiliary organization.” (Cal. Code Regs., tit. 5, § 59257, subd. (j)(6).) In addition, the regulation requires that no more than 50% of this reimbursement may be in the form of “non-monetary benefits” such as increased community awareness, good will, or similar benefits. In other words, at least 50% of an auxiliary’s reimbursement to a district must be in cash. This requirement exists only in regulation, and is not rooted in the Education Code.

According to the Foundation for California Community Colleges and the Network of California Community College Foundations, the 50% cash reimbursement requirement “is proving difficult for local foundations to meet. Further and perhaps more importantly, this cash requirement is putting a strain on what should be a synergistic relationship between districts and their foundations, one that is necessary to move the system forward to meet the goals contained in the *Vision for Success*.”

NCCCF proposes that the 50% cash reimbursement requirement be eliminated. The Chancellor’s Office recommends that if this requirement is eliminated, non-monetary benefits should be given their “fair market value,” and disclosed in the auxiliary organization’s annual audited statement of financial conditions.

## **Background**

In 1998, the California Attorney General issued an opinion addressing the rules governing auxiliary organization reimbursement to community college districts. (81 Ops. Atty. Gen. 111 (Cal. A.G. 1998).) At the outset, the Attorney General recognized that “the benefits and services conferred annually upon a community college district by an auxiliary organization ordinarily far exceed whatever value district employee services to the organization might total.” Indeed, the purpose of auxiliary organizations is to benefit their districts by promoting their educational missions. (Educ. Code, § 72670; Cal. Code Regs., tit. 5, § 59259.)

The Attorney General noted that auxiliary organizations save public funds that might otherwise be expended by districts to perform services (see e.g., Educ. Code, § 70902, subd. (b)(11)), and that in the previous year (1997) “auxiliary organizations and related foundations raised approximately \$60 million for community college districts” in the state and that the corresponding value of district employee services the organizations received was “minuscule in comparison.”

Against this backdrop, the Attorney General interpreted title 5, section 59257, to require full reimbursement by an auxiliary organization for services community college district employees perform on behalf of auxiliary organizations. (81 Ops. Atty. Gen. 111 (Cal. A.G. 1998).) However, the Opinion also clarified that reimbursement may be made “in the form of non-monetary benefits...such as increased community awareness or other such benefits that are agreed upon...” (*Id.*) Prior to 1998, there had apparently been some question about the permissibility of non-monetary reimbursement. The Attorney General’s Opinion resolved that.

Following the Attorney General’s Opinion, the Board of Governors amended section 59257 in 2006 to limit non-monetary reimbursements to a maximum of 50% of the value of the services provided to the auxiliary organization by the community college district.

## **Feedback/Questions for Council**

The Chancellor’s Office seeks feedback from the Consultation Council on this proposal, and in particular, whether there would be any unintended consequences of a regulatory action eliminating the 50% requirement in the manner proposed.

## **Attachments:**

- 1.** Text of Proposed Regulatory Change, Section 59257
- 2.** CEO Letter to Chancellor Oakley, April 17, 2019
- 3.** Foundation for California Community Colleges Letter to Chancellor Oakley, April 10, 2019
- 4.** NCCCCF Letter to Chancellor Oakley, April 10, 2019
- 5.** NCCCCF Board Roster of Membership

## **Item 4, Attachment 1: Text of Proposed Regulatory Change, Section 59257**

This document contains strikethrough and underline text which may require adjustments to screen reader settings.

Board of Governors of the California Community Colleges  
Proposed Revisions to Title 5 Regulations:  
Related to Auxiliary Organizations

### **Section 59257 of article 2 of subchapter 4.5 of chapter 10 of division 6 of title 5 of the California Code of Regulations is amended to read:**

#### **§ 59257. Implementing Regulations.**

Each district governing board wishing to establish an auxiliary organization must adopt implementing regulations, and submit such regulations to the Chancellor for approval. The implementing regulations must contain provisions which address at least the following subjects:

- (a) Provisions which set forth the district's method for recognizing an auxiliary organization, which procedure must include a public hearing prior to such recognition;
- (b) Provisions which limit authorized auxiliary organizations to those performing recognized functions described in section 59259;
- (c) Provisions which implement section 72674 of the Education Code, regarding composition and meetings of boards of directors of auxiliary organizations;
- (d) Provisions which implement subdivision (a) of section 72672 of the Education Code, regarding the audit of auxiliary organizations;
- (e) Provisions which implement subdivision (c) of section 72672 of Education Code, regarding salaries, working conditions, and benefits for full-time employees of auxiliary organizations;
- (f) Provisions which implement section 72675 of the Education Code, regarding expenditures and fund appropriations by auxiliary organizations. In implementing subdivision (b)(2) of section 72675, the district regulations may specify different standards for different types of auxiliary organizations.
- (g) Provisions which establish recordkeeping responsibilities of auxiliary organizations;
- (h) Provisions which establish a procedure for periodic review of each auxiliary organization by the district to insure that it is complying with sections 72670-72682 of the Education Code, district implementing regulations, any written agreement with the district, and its articles of incorporation or bylaws; and
- (i) Provisions which prohibit the district from transferring any of its funds or resources other than funds or resources derived from gifts or bequests, to any of its auxiliary organizations, when the purpose of such transfer is either to avoid laws or regulations



which constrain community college districts or to provide the district with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for students with disabilities.

(j) Provisions which shall specify the following:

(1) The function or functions which the auxiliary organization is to manage, operate or administer;

(2) A statement of the reasons for administration of the functions by the auxiliary organization instead of by the college under usual district procedures;

(3) The areas of authority and responsibility of the auxiliary organization and the college;

(4) The facilities to be made available, if any, by the district to permit the auxiliary organization to perform the functions specified in the implementing regulations or written agreement;

(5) The charge or rental to be paid to the district by the auxiliary organization for any district facilities used in connection with the performance of its function. The charge or rental specified shall not require involved methods of computation, and should be identified in sufficient time before its incurrence so that the auxiliary organization may determine to what extent it shall be liable therefor;

(6) Full reimbursement to the district for services performed by district employees under the direction of the auxiliary organization. ~~No more than 50% of the r~~ Reimbursement by an auxiliary organization may be made in the form of non-monetary benefits that the auxiliary organization provides to a community college district, such as increased community awareness or other such benefits that are agreed upon by district officials and the auxiliary organization. ~~Such non-monetary benefits shall be assigned a good-faith reimbursement value by the district. The district shall accord such non-monetary benefits their fair market value as reported in the auxiliary organization's annual audited statement of financial conditions pursuant to subdivision (d).~~ Methods of proration where services are performed by district employees for the auxiliary organization shall be simple and equitable;

(7) A simple and stable method of determining in advance to what extent the auxiliary organization shall be liable for indirect costs relating to federally-sponsored programs;

(8) The responsibility for maintenance and payment of operating expenses;

(9) The proposed expenditures for public relations or other purposes which would serve to augment district appropriations for operation of the college. With respect to expenditures for public relations or other purposes which would serve to augment district appropriation for the college, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary

organization. The governing board shall name a designee who shall file with the governing board a statement of auxiliary organizations' policies on accumulation and use of public relations funds. The statement will include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control;

(10) The disposition to be made of net earnings derived from the operation of facilities owned or leased by the auxiliary organization and provisions for reserves;

(11) The disposition to be made of net assets on cessation of the operations under the agreement; and

(12) Provisions which require a covenant of the auxiliary organization to maintain its existence throughout the period of the agreement and to operate in accordance with sections 72670-72682 of the Education Code, and with the regulations contained in this subchapter as well as district implementing regulations.

In addressing the requirements of this subdivision in its district implementing regulations, a district may provide for such requirements in a written agreement or agreements with an auxiliary organization. The agreement shall provide for all requirements of this subdivision which have not been addressed in the district implementing regulations. Notwithstanding subdivision (e) of section 59255, if the requirements of this subdivision are provided for in the written agreement rather than the district's implementing regulations, the auxiliary organization may not be recognized by the district until the agreement is submitted to the Chancellor for approval.

Note: Authority cited: Sections 66700, 70901 and 72672, Education Code. Reference: Article 6 (commencing with Section 72670), Chapter 6, Part 45, Education Code.

#### **Item 4, Attachment 2: CEO Letter to Chancellor Oakley, April 17, 2019**

The [CEO letter](#) to Chancellor Oakley is available on the Chancellor's Office website ([www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-auxiliary-org-2-ceo-letter-for-consultation-council-title-5-2019-a11y](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation%20Council/2019%20Attachments/exec-20191121-auxiliary-org-2-ceo-letter-for-consultation-council-title-5-2019-a11y)).

## **Item 4, Attachment 3: Foundation for California Community Colleges Letter to Chancellor Oakley, April 10, 2019**

The [Foundation for California Community Colleges letter](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation%20Council/2019%20Attachments/exec-20191121-auxiliary-org-3-fccc-letter-for-consultation-council-title-5-a11y) to Chancellor Oakley is available on the Chancellor's Office website ([www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-auxiliary-org-3-fccc-letter-for-consultation-council-title-5-a11y](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation%20Council/2019%20Attachments/exec-20191121-auxiliary-org-3-fccc-letter-for-consultation-council-title-5-a11y)).

#### **Item 4, Attachment 4: NCCCF Letter to Chancellor Oakley, April 10, 2019**

The [NCCCF letter](#) to Chancellor Oakley is available on the Chancellor's Office website ([www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-auxiliary-org-4-network-letter-for-consultation-council-title-5-2019-a11y](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation%20Council/2019%20Attachments/exec-20191121-auxiliary-org-4-network-letter-for-consultation-council-title-5-2019-a11y)).

## **Item 4, Attachment 5: NCCCF Board Roster of Membership**

The [NCCCF Board Roster](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation%20Council/2019%20Attachments/exec-20191121-auxiliary-orgs-5-2019-20-network-bod-roster-title-5-support-10-3-2019-a11y) is available on the Chancellor's Office website (www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-auxiliary-orgs-5-2019-20-network-bod-roster-title-5-support-10-3-2019-a11y).



## DIGEST ITEM 5: CONSULTATION COUNCIL MEMBERSHIP

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Contact(s): Dr. Daisy Gonzales, Deputy Chancellor

### Issue

The Chancellor’s Office is seeking consultation on a request to add the California Community Colleges Classified Senate (4CS) to the Consultation Council.

### Background

The Education Code requires the Board of Governors to “establish and carry out a process for consultation” with institutional representatives of community college districts to ensure participation in the development and review of policy proposals. This task has been delegated to the Chancellor in the Board’s Standing Orders, which require the Chancellor’s Office to convene and regularly meet with “a Consultation Council.” The membership of the Consultation Council is to be established by Executive Order of the Chancellor developed through consultation.

As a condition for participation on the Consultation Council, the Board of Governors Standing Orders state that each group participating as either an institutional or organizational member is required to make the following commitments:

“(1) Each group, insofar as it participates in Consultation, will commit to promote the development of policy which is in the best interests of students, the system, and the State; (2) Each group will commit to first attempt to use the Consultation Process for pursuing recommended policy changes or recommended policy that can be dealt with in the Consultation Process; (3) Each group will commit to strive to accept and accommodate the consensus reached in Consultation, although each group will retain the ultimate right to excuse itself from Consultation on a particular issue or the ultimate right to take an issue to a different arena; and (4) Each group will agree to attend Consultation meetings, complete any work it agrees to undertake, and communicate with and involve the constituency it represents.”

On January 11, 2019 a letter to the Chancellor was received from the California Community Colleges Classified Senate (4CS), requesting consideration to join the Chancellor's Office Consultation Council. 4CS was formed in 1993 as an advocacy group for classified staff in the areas of professional and leadership development. For 26 years, 4CS has conducted the Annual Classified Leadership Institute. The President of 4CS, Karen Jimenez, affirms that "4CS is a unique voice for classified professionals as it is focused solely on classified staff serving within the California Community College system...Classified staff have frequent and meaningful interactions that edify students about their pathway options, they participate in accreditation, and partner with faculty and administrators to implement various state programs and initiatives that lead to student success." In addition to this letter, additional letters of support were received from Consultation Council members, including the President/CEO of the Community College League of California, the President of the Chief Executive Officers of the California Community Colleges, and the President of the California Community Colleges Trustees Board.

The Consultation Council process allows community college stakeholders to advise the Chancellor, who makes recommendations to the Board of Governors on matters that impact the community college system. The engagement of our systems classified professionals, nearly 29,000 across our system, is critical to the system's ability to implement the *Vision for Success* and the Chancellor's ability to carry out the consultation function.

### **Feedback/Questions for Council**

The Chancellor's Office is seeking input on this request from the Consultation Council members.

### **Attachments:**

None.





## DIGEST ITEM 6: STATE AND FEDERAL UPDATE

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Contact(s): Laura Metune, Vice Chancellor, Governmental Relations

### Issue

The Chancellor's Office Division of Governmental Relations will provide Consultation Council with the State and Federal Update.

### 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, 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 Chancellor 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. The Governmental Relations division seeks feedback from the Consultation Council and the Board of Governors prior to taking positions on pending policy matters.

### Feedback/Questions for Council

The Chancellor’s Office will answer questions regarding the 2019 Legislative Update and seek feedback on federal legislation proposed for support.

### Attachments:

1. 2019 Legislative Update
2. Bill Analysis: BASIC Act

## Item 6, Attachment 1: 2019 Legislative Update

The [2019 legislative update](http://www.cccco.edu/-/media/CCCCO-Website/Files/Consultation%20Council/2019%20Attachments/exec-20191121-6-1-state-federal-update-legislative%20update-nr-a11y) is available on the Chancellor's Office website (www.cccco.edu/-/media/CCCCO-Website/Files/Consultation Council/2019 Attachments/exec-20191121-6-1-state-federal-update-legislative update-nr-a11y).

## Item 6, Attachment 2: Bill Analysis: BASIC Act

### CALIFORNIA COMMUNITY COLLEGES LEGISLATIVE BILL ANALYSIS

**Bill Number:** H.R 4968, **Basic Assistance for Students In College (BASIC) Act**

**Author:** Congresswoman Norma Torres (D-CA)

**Status:** Introduced in House

**Committee/Floor Votes:** Not applicable

#### **Bill Summary:**

This bill establishes a \$500 million competitive grant program for education institutions to address the unmet basic needs of their students and also requires data sharing between federal departments that administer public assistance programs.

#### **Bill Detail:**

Specifically, this bill:

Establishes a \$500 million competitive grant program, called the “Basic Needs Grant Program,” to help institutions of higher education identify and meet the basic needs of students, including food, housing, transportation, child care, health care, and technology. The bill contains a provision to require no less than 25% of all grants be awarded to community colleges. Grant priority will also be given to institutions with 25% or more Pell enrollment, Historically Black Colleges (HBUs), and other Minority Serving Institutions (MSIs).

This grant program shall be structured into two components:

Planning Grants (\$40 million): Authorizes 1-year planning grant of up to \$50,000 per institution to study, assess, and develop a plan to address unmet basic needs at the institution. Grantees must utilize awarded funds to:

- Establish a basic needs steering committee comprised of relevant on- and off-campus stakeholders
- Conduct research to better understand the level of unmet basic needs at the institution, availability of existing resources, and opportunities for coordination and collaboration with outside stakeholders
- Create a campus-wide basic needs strategy

Implementation Grants (\$460 million): Authorizes the Secretary of Education to award 5-year implementation grants of up to \$500,000 for institutions of higher education to develop a basic needs infrastructure, based on a previously awarded planning grant or a plan approved by the Secretary. Grantees must use funds to carry out at least two of the following activities to meet basic needs:

- Provide free or subsidized food

- Secure sleeping arrangements, temporary housing, priority access to existing on campus child care, and other basic needs to eligible students
- Conduct outreach to students to encourage participation in basic needs programs and services
- Help eligible students apply for and enroll in local, state, and federal public assistance programs
- Coordinate and collaborate with government and/or community-based organization
- Purchase materials, equipment, transportation, and facilities
- Hire personnel to facilitate implementation

Data Sharing Agreement: Requires the Department of Education to coordinate with the Departments of Agriculture, Housing & Urban Development, and Health & Human Services to develop and implement an agreement to securely share data to identify current students who may be eligible for federal means-tested programs, including SNAP, SSI, TANF, WIC, Medicaid, and federal housing assistance. The bill further requires coordinated efforts to help institutions of higher education enroll eligible students in these programs.

**Discussion:**

This bill provides federal investment to support overall student well-being outside the classroom and help colleges address unmet basic needs of their students including housing and food insecurity. It establishes a competitive grant mechanism that calls on colleges to develop a strategic plan that is specific to the unique needs of their students. The grant program is structured into two phases: planning grants and implementation grants.

Specific application requirements for both grant phases is not provided in the text of the bill. While minority serving institutions (MSIs) will receive priority, it is unclear if geographic poverty rates and area median income would be considered to establish need. Colleges must use their planning grant award funds to conduct research on the presence of institutional barriers, assess available resources for students, and identify opportunities for coordination and collaboration with outside stakeholders. At the end of the one-year planning grant term, the steering committee must produce a campus-wide basic needs strategic plan that describes how the institution will seek to address or meet the basic needs of their students.

No later than 60 days after the end of the planning grant period, a grantee must submit a report to the Secretary of Education describing the outcomes of the planning grant. In applying for the implementation grant phase (5-year term), the applicant must identify ongoing non-federal funding to continue to support the programs and activities after the grant period has expired. The BASIC Act does not describe specific reporting requirements for the implementation grant phase. At present, it is unclear if college districts with several colleges would be eligible to receive an award, or if only individual colleges would be considered eligible.

The data sharing requirements of the bill is intended to facilitate information sharing between the U.S. Department of Education and other federal agencies to identify current students who may be eligible for federal means-tested programs and reduce barriers to enrollment. Colleges are permitted to use grant funds to help students enroll into local, state, and federal assistance programs where appropriate.

**Fiscal Impact:**

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

**Likelihood of Passage:**

The BASIC Act may pass the Democratic majority House but is unlikely to pass the Republican controlled Senate. Sen. Kamala Harris (D-CA) has also introduced a companion version of the BASIC Act in the Senate. As this bill amends portions of the Title VIII of the Higher education Act, it is possible similar elements to this bill may also be included in the comprehensive reauthorization of the Higher Education Act, such as the recently introduced College Affordability Act.

**GR Recommendation and Rationale:**

Support. This bill provides federal monies to help colleges better understand the unmet basic needs of their students, and ensure that college students are able to receive basic, day-to-day necessities which is crucial to academic success.