



Consultation Council Agenda

Thursday, April 16, 2020

9:30 a.m. to 12:00 p.m.

Zoom Virtual Webinar: <https://cccconfer.zoom.us/j/995990357>

(669) 900-6833 | **Meeting ID:** 995-990-357

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

1. Chancellor's Office Update
2. Student Senate Update
3. Chancellor's Office Communication and Guidance During COVID-19
4. Student Fee Election Regulatory Change and Standing Orders
5. State and Federal Update
6. Discussion on Regulations Related to Classroom Expenditures and Full Time Faculty
7. Other
 - a. Board of Governors Advocacy Day
 - b. Announcements from Consultation Council members

FUTURE 2020 MEETING DATES:

May 21, 2020

June 18, 2020

July 16, 2020

August 20, 2020

September 17, 2020

October 15, 2020

November 19, 2020 (CCLC Annual Convention in San Francisco, CA)

December 17, 2020

Chancellor's Office, Executive Office

1102 Q Street, Sacramento, CA 95811

916.445.8752

[Chancellor Office website](http://www.cccco.edu) (www.cccco.edu)



DIGEST ITEM 2: STUDENT SENATE UPDATE

“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.

Contact(s): Danny Thirakul, President, Student Senate for California Community Colleges (SSCCC)
Amine El Moznine, Vice President of Legislative Affairs, SSCCC

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 SSCCC Board of Directors (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
 - Online General Assembly held April 3 – 5, 2020
 - ◆ Eighty registered delegates – more than if the meeting was held in person
 - ◆ Revised Constitution and new Bylaws adopted
 - ◆ New three-year Strategic Plan adopted
 - ◆ More than 25 resolutions were debated
 - ◆ Used new technology tools to ensure the General Assembly was within the Brown Act and Robert’s Rules of Order
 - Legislative Priorities
 - ◆ The SSCCC is working on ways to conduct online advocacy

Feedback/Questions for Council

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

Attachments:

None.



DIGEST ITEM 3: CHANCELLOR'S OFFICE COMMUNICATION AND GUIDANCE DURING COVID-19

“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.

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

Issue

The emergency proclaimed by the Governor of the State of California on March 4, 2020 necessitates increased communication and guidance to students, colleges and districts as they navigate new challenges in uncertain times. Under COVID-19, the Chancellor’s Office (CO) has worked with urgency to address numerous requests for flexibility, suspension of regulations and additional support. Many more requests will continue to be evaluated by Chancellor’s Office staff with one clear goal, to ensure the continuity of education for California Community College students.

Background

On March 16, 2020, the California Community Colleges Board of Governors issued a resolution to confer on the Chancellor’s emergency powers to take all appropriate actions, including the issuance of executive orders, to allow for the continued education of community college students during the period of emergency proclaimed by the Governor of the State of California on March 4, 2020. This authority allows the temporary suspension of regulations adopted by the Board of Governors and the suspension of local rules and regulations that are a barrier to the continuity of educational services.

In order to ensure that community college districts and campuses are adequately supported and able to provide educational services to students during this COVID-19 crisis, the CO has developed several resources that are continually updated.

- 1. COVID-19 web page:** The CO has developed a web page where all communication is being uploaded daily. This site includes different pages specific to system stakeholders. Two pages that may be of interest to the Consultation Council include:
 - Communication to Colleges-** this page includes updates, guidance and executive memos, emergency notifications and FEMA reimbursements. Of specific interest may be the executive orders and guidance memos uploaded. As of April 2, only two

executive orders have been issued: temporary suspension of various grade related regulations, and the temporary suspension of student withdrawal regulations. As of April 2, [eight guidance memos](https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Communications-and-Marketing/Novel-Coronavirus/co-communications-to-colleges) (<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Communications-and-Marketing/Novel-Coronavirus/co-communications-to-colleges>) have been uploaded to clarify regulations or interpret the implementation of executive orders.

- **For Students-** this page includes Frequently Asked Questions (FAQ's), contact information for colleges, information to apply for financial aid, transfer information and career education information. The FAQ page is updated to reflect new CO guidance, flexibility provided by other state agencies, the federal governments, and partnerships with other segments. Most of the questions come from phone calls our office is receiving from students when they call the main line. Currently, the site includes information on financial aid, resources to transition to online instruction, tips to succeed online, updates on virtual labs, access to broadband, work study, withdrawals and reimbursements, transcripts, how to apply to college in the fall, veteran student resources and resources for undocumented students. The site is currently available in English and in Spanish.

2. **Weekly Webinars:** The CO has also developed weekly Wednesday webinars from 9 a.m.-10 a.m. Past webinars have covered the guidance memos and Executive Orders during this emergency. The webinars also feature presentations by partners including the ACCJC and ASCCC President. To join the weekly webinars contact areynolds@cccco.edu.
3. **COVID-19 Update:** The CO provides daily COVID-19 update emails Monday-Friday. As a member of any CO list serve, you should be receiving these emails.

Work in Progress:

As this emergency continues to develop, the CO will rely on these methods of communication. Currently, the CO staff is evaluating requests for additional flexibility on the following topics: EOPS, temporary distance education blanket addendum for summer and fall, BRN clinical hours, reporting deadlines and extensions on grants and programs, flexibility for categorical program requirements, dual enrollment/middle college, work-study for credit students, FON penalties, 50% penalties and part-time faculty 67% workload cap.

Feedback/Questions for Council

The Consultation Council should share the concerns of their statewide constituency and provide feedback on the effectiveness of these communication channels. The CO requests that all Consultation Council members share these communication resources widely.

Attachments:

None.



DIGEST ITEM 4: STUDENT FEE ELECTION REGULATORY CHANGE AND STANDING ORDERS

“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.

Contact(s): Rhonda Mohr, Vice Chancellor, Educational Services and Support

Issue

The passage of Assembly Bill (AB) 1504 created the need for the Chancellor’s Office to update Title V regulations and Board of Governors Standing Orders regarding the collection of the Student Representation Fee. Please see attached for proposed regulatory text and revised Standing Orders.

Background

AB 1504 requires the officials at a community college, if a student body association has been established at the college, to collect a student representation fee of \$2 at the time of registration, and eliminates the authorization for a student election to terminate the fee. The bill also eliminates the requirement that the student provide a reason for refusing to pay the fee and requires a community college to provide the student a means to refuse to pay the fee on the same form that is used for the collection of fees.

The bill would require that \$1 of the \$2 fee be expended to establish and support the operation of the Student Senate for California Community Colleges (SSCCC) as the statewide community college student organization recognized by the Board of Governors. As a result, a new Memorandum of Understanding (MOU) between the Chancellor’s Office and the SSCCC is currently under review, requiring updated Standing Orders.

Feedback/Questions for Council

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

Attachments:

1. Title 5 sections 50002, 54801, 54803, and 54805 Student Senate for California Community Colleges, and Board of Governors’ Standing Order 333.

Text of Proposed Regulatory Changes to Title 5 and Board of Governors' Standing Orders Regarding Student Fee Election Changes

Board of Governors of the California Community Colleges Proposed Revisions to Title 5 Regulations: Student Fee Election Changes.

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

Section 50002 of subchapter 1 of chapter 1 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 50002. Student Senate for California Community Colleges.

~~(a) A Student Senate for the California Community Colleges has been established in conjunction with local associated student organizations so that the community college students of California may have a formal and effective means for participating in the formation of state policies that have or may have a significant impact on students.~~

~~(b) The Board of Governors recognizes the Student Senate for the California Community Colleges as the statewide community college student organization to represent representative of community college associated student organizations students within the California Community Colleges, including before the Board of Governors and the Chancellor's Office.~~

Note: Authority cited: Sections 66700, 70901, 76060.5, Education Code. Reference: Section 70901, Education Code.

Section 54801 of article 1 of subchapter 8 of chapter 5 of division 6 of title 5 of the California Code of Regulations is repealed.

~~§ 54801. Calling of Election.~~

~~The governing body of each student body association authorized by Education Code section 76060 shall establish procedures for elections conducted for the purpose of collecting a student representation fee, and call an election for such purpose. The election shall, at a minimum, meet the following criteria:~~

~~(a) The student body association on each campus shall maintain in its office written information regarding election procedures. Such information shall be made available to the public upon request.~~

~~(b) Adequate notice of the election shall be given by the student body association. Adequate notice is deemed to be at least ten school days prior to the election date.~~

~~(c) Each election shall be held on a day which counts toward the 175 day requirement as defined in section 58120 of this part. In instances where an election is conducted for more than one day, those days shall be consecutive and shall be limited to a maximum of five days.~~

~~Note: Authority cited: Section 66700, 70901, and 76060.5, Education Code. Reference: Sections 76060 and 76060.5, Education Code.~~

Section 54803 of article 1 of subchapter 8 of chapter 5 of division 6 of title 5 of the California Code of Regulations is repealed.

§ 54803. Termination of Fee.

~~(a) Any student representation fee that has been instituted pursuant to the procedures enumerated in section 54801 may be terminated by a majority of the students voting in an election called in one of the following two manners:~~

~~(1) By placing the issue on the ballot for the next regular associated student body election. The issue shall be placed on the ballot upon receipt of a petition indicating an interest in the termination of the representation fee signed by a majority of the number of students who voted in the election establishing the fee.~~

~~(2) Pursuant to procedures pre-established by the student body association for calling such an election. Such procedures shall be available for public inspection during regular business hours.~~

~~(b) The elections shall be conducted in accordance with the procedures established pursuant to section 54801.~~

~~Note: Authority cited: Section 66700, 70901 and 76060.5, Education Code. Reference: Sections 76060 and 76060.5, Education Code.~~

Section 54805 of subchapter 8 of chapter 5 of division 6 of title 5 of the California Code of Regulations is amended to read.

§ 54805. District Collection of the Representation Fee.

~~District governing boards shall include in the materials given to each student at registration, information pertaining to the representation fee. The form used by a college for the purpose of collecting the fee shall contain, at a minimum, the following:~~

~~(a) a statement indicating that the money collected pursuant to this article shall be expended to provide support for students or representatives who may be stating their positions and viewpoints before city, county, and district government, and before offices and agencies of the state and federal government;~~

~~(b) the amount of the fee;~~

~~(c) a statement informing the students of their right to refuse to pay the fee for religious, political, moral or financial reasons.~~

Districts must provide students an opportunity to refuse to pay the student representation fee established by Education Code section 76060.5. This option to refuse to pay the student representation fee must be provided in plain language and communicated at the same time and in the same manner that the district uses to collect other fees from students.

The option must appear in substantially the following form: “I refuse to pay the \$2 student representation fee which supports local and statewide community college student advocacy organizations. [Followed by a check box, yes/no option, or similar device to establish consent or refusal].”

Note: Authority cited: Sections 66700, 70901 and 76060.5, Education Code. References: Sections 76060 and 76060.5, Education Code.

Proposed Revisions to the Board of Governors Procedures and Standing Orders

333. Student Senate.

- (a) Pursuant to established The Board has recognized the Student Senate for California Community Colleges (SSCCC) as the statewide community college student organization to represent community college students within the California Community Colleges, and before the Board and the Chancellor's Office in the formation of statewide policy. The SSCCC may perform additional functions as the Chancellor may deem appropriate, on the participation of students in governance, and in order that the students of the California Community Colleges may have a formal and effective procedure for participating in the formation of system wide policy
- (b) The Chancellor shall assume the duties and responsibilities required of the Board by Education Code section 76060.5, and shall enter into a memorandum of understanding to govern the Board's relationship with the SSCCC. The Board of Governors recognizes the Student Senate as the representative of community college students in conjunction with the associated student organizations in the Consultation Process and before the Board of Governors and Chancellor's Office.
- (c) The Chancellor and designated staff are authorized to take those actions needed to ensure the integrity of the Student Senate, including but not limited to, ensuring all eligibility requirements are met and establishing and enforcing minimum standards of student conduct.



DIGEST ITEM 5: STATE AND FEDERAL UPDATE

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Contact(s): David O’Brien, Vice Chancellor, Governmental Relations
Lizette Navarette, Vice Chancellor, College Finance and Facilities Planning

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 of Governors (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* and 2020 Legislative Principles guide the work 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.

The attached documents provide additional details on current state and federal policy and advocacy matters:

State Legislative Update - provides an overview of recent state advocacy activities, summarizes the topic and status of a number of recently introduced high priority bills.

State Legislative Matrix - provides a comprehensive list of all state legislation identified by the Governmental Relations division affecting the Chancellor’s Office, California Community Colleges and/or California students.

Analyses for Discussion:

An analysis is provided on bills the Chancellor's Office is reviewing and monitoring. This month, ACA 5 (Weber) Government Preferences, is presented for discussion and support.

Feedback/Questions for Council

The Chancellor's Office will seek feedback on any legislation proposed for support.

Attachments:

- 1.** State Policy and Advocacy Update
- 2.** Federal Policy and Advocacy Update

State Policy and Advocacy Update

Update on Legislation

After approving legislation that provided the Governor with \$1 billion in emergency funding to combat COVID-19, the Legislature adjourned for recess on March 16th. They were originally scheduled to return on April 13th; however, legislative leadership have since indicated that the return date will be postponed until further notice. The Chancellor's Office will provide any updates on legislation that happen before April 16th.

The section below provides an update on pending high priority bills. For details, visit the [Legislative Counsel's website](http://leginfo.legislature.ca.gov/) (<http://leginfo.legislature.ca.gov/>). A full Legislative Matrix is available from [Imran Majid](mailto:Imran.Majid@cccco.edu) ([imajid@cccco.edu](mailto:Imran.Majid@cccco.edu)).

Sponsored Legislation

SB 291 (Leyva) California Community College Financial Aid Program

Would create a new financial aid program targeted to community college students, linked to the total cost of college and accounting for existing aid and student/family resources.

Status: Approved by the Senate (31-5) and pending in the Assembly Higher Education Committee.

Tracked Legislation

AB 302 (Berman) Community Colleges Overnight Parking

Position: Watch

Would require a community college campus that has parking facilities on campus to grant overnight access to those facilities to any homeless student who meets specified requirements. Colleges would be exempt from the requirement for facilities within 250 feet from an elementary school, or if they provide hotel vouchers, rapid rehousing or emergency aid to students. The Chancellor's Office would be required to report on the implementation of the bill. The law would sunset in 2022.

Status: Approved by the Assembly Floor (60-8), Senate Education Committee (7-0) and Senate Judiciary Committee (7-1) and Senate Appropriations Committee (5-2). Currently held in the Senate Inactive File.

AB 376 (Stone) Student Loan Servicing

Position: Support

This bill would provide definitions for an abusive act and other terms and conditions; require the Department of Business Oversight (DBO) to monitor for risks to consumers in the provision of student loan servicing; and, require the Commissioner of Business Oversight to designate a Student Borrower Advocate to provide timely assistance to student loan borrowers and to receive and review complaints.

Status: Approved by the Assembly Floor (59-15), Senate Banking Committee (4-1), and Senate Judiciary Committee (7-1). Pending in the Senate Appropriations Committee.

AB 1343 (Eggman) California 85/15 Rule

Position: Support

Would prohibit, beginning January 1, 2021, a private postsecondary educational institution from enrolling residents of California, unless the institution meets either the requirement that no more than 85% of the institution's tuition revenue is derived from student financial aid and loans, or not less than 50% of the institution's revenue is dedicated to student instruction.

Status: Approved by the Assembly Floor (66-5). Pending in the Senate Business and Professions Committee at request of author. 2-Year Bill.

AB 1862 (Santiago) Public postsecondary education: California State University: tuition

Position: Concern (pending Board of Governors approval)

This bill would guarantee two years of tuition-free education to any full-time California State University (CSU) student who transfers from a California Community College with an Associate Degree for Transfer or received a California College Promise grant.

Status: Referred to the Assembly Higher Education Committee.

AB 2019 (Holden) College and Career Access Pathways partnerships: county offices of education

Position: Support

This bill authorizes a county office of education (COE) to enter into College and Career Access Pathway (CCAP) partnership with a community college district.

Status: AB 2019 will be heard by the Assembly Higher Education Committee on April 14th.

AB 3310 (Muratsuchi) Community colleges: ethnic studies.

Position: Concern (pending Board of Governors approval)

This bill would, commencing with the 2021–22 academic year, require each community college district to offer courses in ethnic studies at each of its campuses, and commencing with the 2023-24 academic year, require the completion of at least one ethnic studies course as a requirement for an associate's degree.

Status: Referred to the Assembly Higher Education Committee.

ACA 5 (Weber) Government Preferences.

Position: Support (pending Board of Governors approval)

This constitutional amendment would ask voters to repeal Proposition 209. Passed by voters in 1996, Proposition 209 prohibited the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the areas of public employment, public education, or public contracting.

Status: Referred to the Assembly Public Employment and Retirement Committee.

SB 860 (Beall) Foster Youth Services Coordinating Program: postsecondary education financial aid applications

Position: Support

This bill clarifies the role of Foster Youth Services Coordinating Programs (FYSCPs) to include coordination of efforts to support Free Application for Federal Student Aid (FAFSA) completion among foster youth who are high school seniors.

Status: Referred to the Senate Education Committee.

SB 958 (Leyva) Community colleges: Cooperating Agencies Foster Youth Educational Support Program (NextUp).

Position: Support

This bill changes the eligibility criteria for the NextUp program to allow students in foster care after the age of 13 to participate and to align with eligibility for priority registration. It also allows colleges to use funds on enrolled NextUp students before their first day of class and allows colleges to prioritize students with lower incomes.

Status: Referred to the Senate Education Committee.

Advocates

If you have not already subscribed to the Government Relations listserv, where information is routinely distributed, you are welcome to join. To subscribe, send an e-mail to LISTSERV@LISTSERV.CCCNEXT.NET and put SUBSCRIBE ADVOCATES in the body of a BLANK, NON-HTML e-mail. NO SUBJECT OR SIGNATURES.

Federal Policy and Advocacy Update

Analysis of the Coronavirus Aid, Relief, And Economic Security (CARES) Act

Bill Number: S. 3548/ H.R. 748

Bill Status: On Wednesday, March 25, 2020, the CARES Act was passed by the Senate, and the House cleared the measure by voice vote on Friday, March 27. Soon after, President Trump signed the legislation into law.

Bill Summary: This bill represents the third phase of Coronavirus response legislation and includes \$30.9 billion in new investment to the U.S. Department of Education (USED), among new investment to other sectors.

Bill Detail:

Specifically, this bill:

Establishes the Higher Education Emergency Relief Fund which shall include flexible funding to be distributed directly to states and institutions of higher education to help schools, students, teachers, and families with immediate needs related to coronavirus, including:

- \$13.953 billion to defray expenses for institutions of higher education, such as lost revenue, technology costs associated with a transition to distance education, and grants to students for food, housing, course materials, technology, health care, and child care.
 - \$12.558 billion (90 percent) will go directly to institutions through the Title IV distribution system.
 - ◆ Institutional awards are calculated using **75 percent** of full-time enrollment of Pell recipients at an institution and **25 percent** of the institutional award is calculated using full-time enrollment of non-Pell recipients. (Students who were exclusively online prior to the pandemic are not included in this calculation.)
 - ◆ \$6.977 billion (50 percent) awarded to institutions must be used to provide direct emergency aid to students, including grants to students for food, housing, course materials, technology, healthcare, and child care.
 - Allowable uses for the institutional portion of the funds are broad and can be used to “defray expenses for institutions of higher education, such as lost revenue, technology costs associated with a transition to distance education.” Costs may not include payment to contractors. Recipients of funds must retain current employees to the “maximum extent practicable.”

- In order for a state to access these funds, they must agree to a maintenance of effort in funding to public K-12 schools, public institutions of higher education and state need-based financial aid (Cal-Grants). State investment levels must remain steady this year and next year at least at the average of the three preceding years.
- \$992 million for Historically Black Colleges and Universities and Minority Serving Institutions.

Student financial aid and federal work-study:

- Waives the institutional matching requirement for campus-based aid programs. Allows institutions to transfer unused work-study funds to be used for supplemental grants.
- Allows institutions to award additional SEOG funds to students impacted by COVID-19.
- Makes adjustments to satisfactory progress. For students who dropped out of school as a result of COVID -19, the student's grades do not affect a student's federal academic requirements to continue to receive Pell Grants or student loans.
- Allows institutions to issue work-study payments to students who are unable to work due to work-place closures as a lump sum or in payments similar to paychecks.

Allows for students who dropped out of school as a result of COVID-19 to:

- Exclude the term(s) from counting toward lifetime subsidized loan eligibility.
- Exclude the term(s) from counting toward lifetime Pell eligibility.
- Retain Pell grants or federal student loans issued by the Secretary for the term(s), and waives the requirement that institutions calculate the amount of grant or loan assistance that the institution must return to the Secretary in the case of students who dropped out of school as a result of COVID-19.
- Retain eligibility for Pell Grants or student loans regardless of grades earned during the emergency.

Institutional Refund and Federal Student Loan Flexibility.

- For students who dropped out of school as a result of COVID -19, the student is *not* required to return Pell grants or federal student loans to the Secretary. Waives the requirement that institutions calculate the amount of grant or loan assistance that the institution must return to the Secretary in the case of students who dropped out of school as a result of COVID-19.
- Provides for temporary relief for Student Loan Borrowers. Requires the Secretary of Education to defer student loan payments, principal and interest for up to 6 months, through September 20, 2020 without penalty to the borrower for federally owned loans.
- During those six months of deferred payments, these six months would still count as qualifying payment toward an authorized loan forgiveness program, such as income-driven repayment plans and public service loan forgiveness (PSLF) program

Workforce Development Provisions

- Provides local workforce boards with additional flexibility to use funds received under the Workforce Innovation and Opportunity Act for administrative costs, including for online resources. Allows Governors to utilize reserved workforce funds on rapid response activities in response to COVID-19.

Increased funding for SNAP Benefits

- Provides \$15.5 billion in additional funding for the Supplemental Nutrition Assistance Program (SNAP, also known as CalFresh) to provide additional food assistance to low-income Americans.

Fiscal Analysis of CARES

The CARES Act provides \$14.3 billion in funding for institutions of higher education. Approximately \$1 billion of funds will be provided to Historically Black Colleges and Universities. Of the remaining amount about half of the funding is for emergency financial aid grants to students for eligible expenses, including food, housing, course materials, health care and child care. The other half of the funding will be provided to institutions to defray expenses, cover lost revenue and transition to distance education.

Higher education funding will be distributed based on the number of Pell grant students enrolled (75% of funding) and the number of non-Pell grant students (25%) of the funding. Students who were previously online only will not be counted for funding under this act. While further details are pending, the **preliminary estimated total** for California Community Colleges is \$578,277 million. These estimates may change as additional guidance is released.

Preliminary Estimates Only	Pell FTE Amount	Not Pell FTE Amount	TOTAL
California Community Colleges Total	\$378,698,000	\$199,584,000	\$578,277,000
California State Total	\$1,312,483,000	\$411,030,000	\$1,723,514,000

Context:

The CARES Act includes a number of provisions consistent with the Chancellor's Office, Community College League of CA, AACC, and other advocates proposal to provide protections for student financial aid as well as new statutory and regulatory flexibility allowing the transferring of funds from one campus based aim program to another, and

the easing of restrictions for allowable uses of grant aid, including the transfer of unused federal work-study funds to be used for Supplementary Opportunity Grants.

Further, the CARES Act establishes the Higher Ed Relief Fund to help colleges manage acute financial strain as a result of unclear enrollment and reduced state revenues. This fund is similar to an effort created in 2009 that provided a lifeline for colleges and universities to remain solvent. According to the authors, a higher education institution may use stabilization funds to cover any costs associated with the closure or significant changes to the delivery of instruction due to the coronavirus and shall use no less than 50 percent of such funds to provide emergency grants to students for expenses directly related to coronavirus and the “disruption of campus operations.” Moreover, the provisions in the bill require states to agree to a “maintenance of funding” in order to access Relief funds. This language require states to maintain need based financial aid funding for the current year and next year at levels equivalent to the average of the prior three years.

Continued Federal Advocacy

Despite several much-needed protections for students, the bill does not include several items in our original proposal:

- Long-term investment in Pell such as direct cash assistance to students through the Pell Grant disbursement system to students’.
- Funds to identify longer-term technology solutions for hard-to-convert programs dedicated to support colleges in their transition from in-person to online instruction and to close achievement gaps resulting for low-income students.
- Access to low-cost capital for institutions to assist with the infrastructure costs associated with resuming on-site operations, and to help refinance existing debt to free up resources for more immediate needs.

The Chancellor’s Office will continue its federal advocacy and Congressional engagement on the above priorities and any other needs identified as Congress considers future Coronavirus response appropriations.



DIGEST ITEM 6: DISCUSSION ON REGULATIONS RELATED TO CLASSROOM EXPENDITURES AND FULL-TIME FACULTY

“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.

Contact(s): Lizette Navarette, Vice Chancellor, College Finance and Facilities Planning

Issue

The development of the novel coronavirus (COVID-19) as a public health emergency has changed California’s budget outlook for 2020-21. As a result, the Department of Finance released a [memo](http://www.dof.ca.gov/twitterdocs/BL-20-08_Finance_Letters_and_May_Revision.pdf) (http://www.dof.ca.gov/twitterdocs/BL-20-08_Finance_Letters_and_May_Revision.pdf) indicating the need to reassess its spending priorities to the context of workload budgets. As we prepare for the 2020-21 May Revision, state revenues are expected to be strained. This item seeks to continue a discussion around potential changes to regulations related to classroom expenditures (i.e., the “50 Percent Law”) and those related to full-time faculty (i.e., compliance with a faculty obligation number), with the intent to make long-term progress toward equity and full-time faculty hiring.

Background

Pursuant to Education Code Section 87482.6 and CCR Title 5 Section 51025, the full-time faculty obligation number (FON) is the number of full-time faculty a district is required to employ each Fall in order to avoid a penalty for non-compliance. The Board of Governors, at the November 2019 meeting, approved implementation of the FON for Fall 2020. Implementation includes the assessment of penalties on districts that failed to meet their FON by the succeeding fall term. To comply with these requirements, districts generally begin their hiring cycle in early spring. However, the COVID-19 outbreak has resulted in emergency conditions, likely hampering a normal faculty hiring cycle and increasing uncertainty over enrollment levels and course delivery methods going forward.

Since the original calculation in 1989, as districts received additional apportionment revenue, this faculty obligation number was raised whenever the Board of Governors certified that certain growth and cost of living funds had been provided. Under previous recession conditions, and in accordance with title 5, section 51025, when the Board of Governors determined that adequate funds have not been provided to fully implement

the FON, the Board has not assessed penalties. The Chancellor's Office continued to calculate, update, and publish FON information and districts would continue to report actual full-time and part-time faculty data. Districts had the option of maintaining a FON at or above the published compliance level or maintaining the full-time faculty percentage achieved in the prior year.

Since 1961, California state law has required each community college district to allocate no less than 50% of its general fund expenditures to "salaries of classroom instructors," under a formula based upon the current expense of education. Expenditures for computer technicians, distance education support, technology, online course design, and matriculation are not included.

After concerns raised by stakeholders over the last two weeks, the Chancellor's Office is now considering what actions, if any, should be proposed for consideration by the Board of Governors during the COVID-19 emergency. Further, the Chancellor's Office will be reviewing the adequacy of funding and develop a recommendation on the subsequent effect on implementation of the FON for Fall 2020 and district compliance with the 50% Law in this emergency situation.

Feedback/Questions for Council

This item is presented for discussion by the Consultation Council. The item is being presented to allow for the council's continued discussion of these regulations and implementation under emergency conditions.

Attachments:

None.