



Consultation Council Agenda

Thursday, June 18, 2020

9:30 a.m. to 1:00 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. Update on the 2020-21 State Budget
4. State and Federal Update
5. Update on the Safe Campus Re-Opening Workgroup Recommendations
6. Chancellor's Procurement of Goods and Services for Community College Districts
7. Board of Governors Standing Orders: Delegation to the Chancellor to Enter into Agreements
8. Proposed Regulatory Action Permanently Adding Chapter 3.5 of Division 6, of Title 5: Chancellor's Emergency Authority
9. Distance Education Faculty Preparation Discussion
10. 2021-22 Shared Advocacy Request
11. Other
 - a. Announcements from Consultation Council members

FUTURE 2020 MEETING DATES:

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, SSSCC

Issue

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

Background

The SSSCC 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 SSSCC.

Feedback/Questions for Council

- Student Senate Priorities
 - As reported at the last Consultation Council meeting, the SSSCC held a Town Hall on the results of our COVID-19 Survey conducted to understand the challenges students have with moving to an all-online learning environment during the pandemic. The survey results and the archived Town Hall can be found on the [SSCCC website](https://www.studentsenateccc.org/news-events/calendar.html/event/2020/05/20/ssccc-town-hall-/292647) (https://www.studentsenateccc.org/news-events/calendar.html/event/2020/05/20/ssccc-town-hall-/292647).
 - The SSSCC forwarded the following students for the Board of Governors student member position to the governor:
 - ♦ Tariq Azim, Chaffey College
 - ♦ Tajinder (TJ) Bahia, Sierra College
 - ♦ Iulia Tarasova, Sierra College
 - The SSSCC hired Dr. Julie Adams as the permanent Executive Director.

- The SSCCC voted to support the Chancellor’s legal action against Secretary of Education Betsy DeVos.
- Legislative Priorities:
 - ◆ The SSCCC participated in virtual advocacy with the Faculty Association of California Community Colleges and the Community College League of California. Jointly, the group visited with more than 20 legislators, staff, and agency representatives.
- The SSCCC published its [June Newsletter](https://www.studentsenateccc.org/communication/) (<https://www.studentsenateccc.org/communication/>).

Attachments:

None.



DIGEST ITEM 3: UPDATE ON THE 2020-21 STATE BUDGET

“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 Chancellor’s Office will provide an update on the recently approved 2020-21 State Budget Act.

Background

As a result of the COVID-19 pandemic, the 2020-21 state budget development occurred under unprecedented circumstances. In May, the Department of Finance announced a [\\$54 billion budget](http://www.dof.ca.gov/Budget/Historical_Budget_Publications/2020-21/documents/DOF_FISCAL_UPDATE-MAY-7TH.pdf) (http://www.dof.ca.gov/Budget/Historical_Budget_Publications/2020-21/documents/DOF_FISCAL_UPDATE-MAY-7TH.pdf) shortfall resulting from the pandemic-induced economic recession. The letter warned about subsequent effects on fiscal year 2019-20 and continue into 2020-21 and beyond. Due to the extension in filing and payment of personal income taxes to July 15, 2020, the Department of Finance will not have updated revenue estimates until mid-August. As a result, the Legislature approved the 2020–21 State Budget Act by the June 15 deadline but plans to and revisit the budget in August with updated revenue estimates.

Budget Process

This year, the budget process did not include a conference committee since both the Senate and Assembly came to an agreement around a spending plan. Following this agreement, the leaders of the State Senate and the State Assembly will now negotiate with the Governor to reach an agreement before presenting a spending plan for both houses to approve by June 15.

Once adopted by the Legislature, the Governor typically has 12 days to sign or veto the budget bill. The Governor also has the authority to reduce or eliminate any appropriation included in the budget.

Budget Advocacy

Over the last few months, budget advocacy has focused on building support for the system's fundamental needs while emphasizing the California's Community Colleges role in the response to COVID-19 and the recovery of the state economy.

Feedback/Questions for Council

This item is presented to the Consultation Council for information and discussion. At the time of the posting of this agenda, the 2020-21 State Budget had not been approved. Chancellor's Office staff will provide an update on the budget's content.

Attachments:

- 1.** Update on the 2020-21 Legislative Budget Proposal



TO: California Community Colleges
FROM: Lizette Navarette, Vice Chancellor, College Finance and Facilities Planning
RE: 2020-21 State Budget Update – Legislative Proposal

2020-21 State Budget Update – Legislative Proposal

Context:

Late June 3, 2020, the Senate and Assembly reached an agreement around the 2020-21 state budget legislative plan. This memo provides a brief update on the proposal. The leaders of the State Senate and the State Assembly will now negotiate with the Governor to reach an agreement before presenting a spending plan for both houses to approve by June 15.

Senate-Assembly 2020-21 Budget Agreement:

The legislature closes a [\\$54 billion budget](#) shortfall by adopting the Department of Finance’s revenue forecast and the Legislative Analyst’s Office lower COVID-19 expense estimates.

The [legislative budget agreement](#) aligns to many elements of the [Senate’s plan May 28th plan](#). The Senate-Assembly agreement rejects many of the Governor’s May Revision proposed cuts, including \$8.1 billion in proposed reductions to Proposition 98 funding. The [legislative budget](#) agreement instead assumes federal funding would be available to backfill California’s General Fund and COVID-19 expenses. Under this “trigger” mechanism, if federal funds do not materialize by September 1, 2020, the proposed trigger solutions would take effect on October 1, 2020. The trigger solutions include \$5.3 billion in deferrals to K-14 education of which over \$670 million is funding to California’s community college which would be paid in future years. In practice, this relies on local community college district to use reserves for payments, expenses, payroll during the months of April, May and June of 2021.

Below is a top-level summary of key differences between the Governor’s May Revision and the Legislature’s Proposals:

Governor’s May Revision	Legislative Proposal with Federal Funding Assumptions	Legislative Proposal without Federal Funding
Reductions and deferrals totaling \$925 million for 2020-21.	No reductions to Proposition 98.	Defers nearly \$700 million in community college funding to future years.

Governor’s May Revision	Legislative Proposal with Federal Funding Assumptions	Legislative Proposal without Federal Funding
Does not provide a COLA. Reduces the Student Centered Funding Formula by \$593 million.	Provides funding for the Student Centered Funding Formula, including a COLA.	Assumes available revenue for COLA.
Defers \$330 million in 2019-20 to 2020-21.	Approves \$332 million in deferrals in the 2019-20 and 2020-21 budget years.	Approves an Oct. 1 trigger deferral of \$674.3 million Proposition 98 if the state does not receive federal funding.
Reduces Student Equity and Achievement Program by 15%. Reduces Strong Workforce Program to \$100 million ongoing.	Rejects the Governor’s proposed cuts to apportionments and several categoricals, including Strong Workforce and Student Equity and Achievement.	Defers funding to certain categoricals to future years.
Reduces Calbright College by 15% ongoing.	Would eliminate Calbright and redirects funds.	Would eliminate Calbright and redirects funds.
Proposes greater coordination and transparency of statewide technical assistance funding through a System Support Program.	Rejects coordination of statewide technical assistance funding through the System Support Program.	Rejects coordination of statewide technical assistance funding through the System Support Program.
No proposal	Allocates \$11.4 million for food pantries.	Allocates \$11.4 million for food pantries. Included in overall deferrals.
Reduces the part-time faculty categorical by 15%.	Proposes \$10.6 million for part-time faculty.	Proposes \$10.6 million for part-time faculty.
Provides no enrollment growth.	Provides \$31.9 million for enrollment growth.	Defers \$31.9 million for enrollment growth.
Provides ongoing support for immigrant legal services.	Provides ongoing support for immigrant legal services.	Provides ongoing support for immigrant legal services.
Moves the Dreamer Resource Liaison program to the Student Equity and Achievement Program.	Provides \$5.8 million ongoing to support the Dreamer Resource Liaison program.	Provides \$5.8 million ongoing to support the Dreamer Resource Liaison program. Included in overall deferrals.

June 3, 2020

Next Steps:

The Senate-Assembly budget agreement allows both chambers to circumvent the Conference Committee process. The Senate President pro Tempore and the Assembly Speaker now begin negotiations with Governor Newsom and the Department of Finance. A budget agreement is expected in time for a vote by the full Senate and Assembly in time for the June 15 Constitutional deadline.

For more information throughout the budget process, please visit the ***Budget News*** section of the Chancellor’s Office website:

www.cccco.edu/About-Us/Chancellors-Office/Divisions/College-Finance-and-Facilities-Planning/Budget-News, or contact me at lnavarette@ccco.edu.



DIGEST ITEM 4: STATE AND FEDERAL 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): David O’Brien, 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 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 (GR) Division represents the Chancellor and the Board on state and federal policy and advocacy matters, and advocates for legislative and policy changes consistent with the *Vision for Success*, the 2020-21 Board of Governors Budget and Legislative Request, and 2020 Legislative Principles. The GR Division seeks feedback from the Consultation Council and the Board of Governors prior to taking positions on pending policy matters, including state and federal legislation.

Feedback/Questions for Council

The Chancellor’s Office seeks 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

Due to the public health and safety concerns arising from the COVID-19 crisis, both houses of the State Legislature took an extended recess beginning in mid-March. In mid-May, both the Assembly and Senate returned to consider the 20/21 state budget and critical legislation necessary to respond to the COVID-19 crisis and economic recession. Legislative leadership has requested that members significantly reduce the number of bills they are pursuing for the remainder of this year, and legislative calendars and deadlines have been adjusted accordingly. GR staff is currently tracking 87 bills that remain active; of these 87 bills, 34 are considered Tier 1 and are most likely to have a direct impact on colleges, faculty, and students.

Legislative Calendar

Below is a summary of upcoming legislative deadlines:

- All bills that originated in the Assembly must pass the Assembly by June 19. The Assembly will take a three-week recess on this date and reconvene on July 13.
- All bills that originated in the Senate and have a fiscal effect must pass the Senate Appropriations Committee by June 19.
- All bills that originated in the Senate must pass the Senate by June 26.
- The Senate will take a one-week recess beginning on July 3 and return on July 13.
- The last day for a legislative measure to qualify for the November 3 General Election ballot is June 26. This deadline applies to ACA 5 (Weber), which is supported by the Chancellor's Office and numerous stakeholders.

Suspense File Actions

On June 2nd and June 3rd, the Assembly Appropriations Committees took action on bills with a fiscal effect. These bills generate costs and/or pressure on the state budget. Below is a summary of the Committee's actions on bills of interest. For additional 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:imajid@cccoco.edu) (imajid@cccoco.edu).

AB 1845 (L. Rivas) Homelessness: Office to End Homelessness.

This bill would establish the Governor's Office to End Homelessness to serve as the lead entity for ending homelessness in California, would create a Homelessness Coordinating and Financing Council to coordinate homelessness services, data, and policies, between state, federal and local agencies, and specifies that the Governor shall appoint a representative from the California Community Colleges to sit on the 19-person council.

Status: Passed with amendments to clarify the use of existing resources.

AB 2030 (Rubio) Student financial aid: Cal Grant Program.

This bill would increase and stabilize the maximum Cal Grant award for students attending private Independent California Colleges and Universities (ICCU). It also removes elements of a 2018 State Budget Act that incentivize greater participation by ICCUs with the California Community College Associate Degree for Transfer (ADT) program by deleting an automatic cut to the maximum Cal Grant award for ICCU students when ICCUs, as a group, fail to accept the annual target number of community college transfer students with an ADT.

Status: Passed with amendments to make the Cal Grant formula change cost neutral.

AB 2282 (McCarty) CalFresh: enrollment: institutions of higher education.

This bill would require the Board of Governors of the California Community Colleges to establish a CalFresh student outreach text messaging program to provide students who are not enrolled in CalFresh with a link to an internet website with information on applying for CalFresh benefits.

Status: Passed with amendments to allow the use of email instead of text messaging.

AB 2341 (McCarty) Rising Scholars Network: justice-involved students.

This bill would authorize the Office of the Chancellor of the California Community Colleges to establish a program, named the Rising Scholars Network, and to enter into agreements with up to 50 community colleges to provide additional funds for services in support of postsecondary education for justice-involved students.

Status: Passed with amendments to remove General Fund reference and clarify that only existing funds will be used.

AB 2388 (Berman) Public postsecondary education: basic needs of students.

This bill would require each campus of the California Community Colleges to establish the position of Basic Needs Coordinator and establish a Basic Needs Center, which would be a central location on campus where basic needs services, resources, and staff are made available to students.

Status: Passed with amendments to only encourage hiring Basic Needs Coordinators and delete the Chancellor's Office reporting requirements.

AB 2416 (Gabriel) Student financial aid: satisfactory academic progress.

This bill would require that determinations of satisfactory academic progress by the institutions participating in state student aid programs consider "homelessness", within the meaning of the federal McKinney-Vento Homeless Assistance Act as an extenuating circumstance for students who are otherwise unable to meet satisfactory academic progress.

Status: Passed.

AB 2972 (Limón) Public postsecondary education: undocumented students.

This bill would require the California Community Colleges and the California State University, and encourage the University of California, to create a systemwide training program for administrators to be completed annually regarding undocumented students,

Deferred Action for Childhood Arrivals (DACA) policies, federal and state laws related to immigration generally, and state law relating to exemption from nonresident tuition.

Status: Passed.

AB 3374 (Committee on Higher Education) Postsecondary education (Omnibus).

This bill would delete the requirement that the Legislative Analyst's Office (LAO) submit a final report on the progress of the Basic Skills and Student Outcomes Transformation (BSSOT) grant program, and clarify that full-time or part-time clinical nursing faculty may be employed by a single community college district (CCC) for up to 4 semesters or 6 quarters within any period of 3 consecutive academic years, and would also make clarifying and non-substantive changes.

Status: Passed.

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

Supported/Opposed 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.

AB 1930 (Medina) Public postsecondary education: intersegmental coordination.

Position: Watch

This bill would require the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), before adding any changes in student eligibility policy that affects students systemwide of that segment to engage in a multi-step process prior to make said change.

Status: Approved by the Assembly Appropriations Committee (14-0). Pending on the Assembly Floor.

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: Approved by the Assembly Appropriations Committee (18-0). Pending on the Assembly Floor.

AB 2884 (Berman) California State Lottery: revenue allocation.

Position: Support (pending Board of Governors approval)

This bill permits community college districts to utilize restricted lottery funds to provide food and housing assistance to students.

Status: Approved by the Assembly Appropriations Committee (15-0). Pending on the Assembly Floor.

AB 3137 (Voepel) California College Promise: members of the Armed Forces of the United States.

Position: Support (pending Board of Governors approval)

This bill authorizes community colleges who participate in the California College Promise Program to permit students who are members of the United States Armed Forces, who are called to serve, to withdraw and re-enroll in the program without losing eligibility of any benefits.

Status: Approved by the Assembly Appropriations Committee (18-0). Pending on the Assembly Floor.

ACA 5 (Weber) Government Preferences.

Position: Support

This constitutional amendment would ask voters to repeal Proposition 209, an amendment passed as a voter initiative in 1996 which prohibited California state and local governments from utilizing race-conscious policies and other forms of affirmative action to remedy the effects of past discrimination in the areas of public employment, public education, or public contracting.

Status: Approved by the Assembly Appropriations Committee (11-5). Pending on the Assembly Floor.

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: Approved by the Senate Education Committee (6-0). Pending in the Senate Appropriations Committee.

SB 956 (Jackson) Tax expenditures: California Tax Expenditure Review Board.

Position: Support (pending Board of Governors approval)

This bill creates the California Tax Expenditure Review Board as an independent advisory body to comprehensively assess major tax expenditures and make recommendations to the Legislature.

Status: Approved by the Senate Governance and Finance Committee (4-1). Pending in the Senate Appropriations Committee.

SB 1110 (Hurtado) Health care workforce development: California Medicine Scholars Program.

Position: Support (pending Board of Governors approval)

This bill creates the California Medicine Scholars Program, a 5-year pilot program that would provide a pre-medical workforce pathway for California Community College students to address the shortage of primary care physicians in California.

Status: Approved by the Senate Health Committee (8-1). Pending in the Senate Appropriations 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

Status of the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act

On May 15, the House of Representatives passed a fourth round of Coronavirus response legislation, H.R. 6800-the “Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act” on a largely party-line vote. Introduced by House Speaker Nancy Pelosi and the House Democratic Caucus, this bill includes **\$27.7 billion** in support for public institutions of higher education (IHEs) under the Education State Fiscal Stabilization Fund – roughly twice the amount that was included in the CARES Act in April.

Senate Majority Leader Mitch McConnell characterized the HEROES Act as a “left-wing wish list” and indicated that he has no plans to work on a fourth Coronavirus relief bill before the two-week July 4 recess. Republican leaders in the Senate have stated their intent to assess the impact of previous stimulus legislation and state reopenings before considering new stimulus legislation.

Major components of the HEROES Act include:

- Under the formula of the Education State Fiscal Stabilization Fund, funding for higher education institutions will be based on 75% of their relative share of students who received Pell Grants and 25% on the total enrollment of students at the institution. **This allocation would use headcount, rather than full-time enrollment as in the CARES Act.**
 - Institutions may use funds for education and general expenditures (including defraying expenses due to lost revenue, reimbursement for expenses already incurred, and payroll) and grants to students for expenses directly related to Coronavirus and the disruption of campus operations (which may include emergency financial aid to students for food, housing, technology, health care, and child care costs that shall not be required to be repaid by such students) or for the acquisition of technology and services directly related to the need for distance education and the training of faculty and staff to use such technology and services.
- Provisions that prohibit the U.S. Department of Education from imposing restrictions on populations of students who may receive aid, including DACA students.
- Expansion of eligibility for the Main Street Lending Program through the Federal Reserve, permitting institutions of higher education to qualify for low interest loans that may be forgivable if the institution serves a predominately low-income population.

Advocacy Update

On June 5, 2020, the Chancellor’s Office sent a letter co-signed by over a dozen stakeholder organizations to Senator Feinstein and Senator Harris urging their support of the HEROES

Act, and thanking them for their continued leadership to support community college students. The Chancellor's Office will continue its federal advocacy and Congressional engagement on future Coronavirus stimulus legislation in the coming weeks.

Federal Administrative Actions

On May 21, the Department of Education issued a statement that its guidance documents related to undocumented students lack of eligibility for receiving emergency aid under the CARES Act “**lack the force and effect of law.**” The Department has indicated that it will continue to “consider the issue of eligibility for Higher Education Emergency Relief Funds (HEERF) emergency financial aid grants under the CARES Act and intends to take further action shortly.”

On May 28, the Congressional Research Service concluded that Secretary DeVos' guidance from April that excludes undocumented students from receiving emergency grants under the CARES Act, **is likely vulnerable to legal challenge.** In a released memo, CRS found that “the Secretary's interpretation is not a particularly persuasive reading of the statute. If Congress wanted to prohibit non-Title IV-eligible students from obtaining emergency financial aid grants, it could have said so.”



DIGEST ITEM 5: UPDATE ON THE SAFE CAMPUS RE-OPENING WORKGROUP RECOMMENDATIONS

“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: Lizette Navarette, Vice Chancellor, College Finance and Facilities Planning

Issue

The Chancellor’s Office will present a draft report of recommendations from the Safe Campus Re-Opening Workgroup.

Background

On April 29, 2020, Chancellor Eloy Ortiz Oakley requested that the Chief Executive Officers of California Community Colleges Board (CEOCCC) create a Safe Campus Re-Opening Workgroup (Workgroup) in order to develop guidance and recommendations for the Chancellor’s Office to consider in supporting districts and colleges as they plan for the re-opening of their campus and submit a report outlining their findings. The draft report was completed and submitted to the Chancellor’s Office on May 22, 2020. The report is the first of what is anticipated to be many steps in carefully evaluating key considerations local campuses should take for the safe re-opening of campuses.

The Workgroup’s recommendations focus on six key issues:

- 1.** Recommendations on a framework around indicators of when to begin to open college campuses.
- 2.** Recommendations around practices for continuing instruction with social distancing.
- 3.** Recommendations on a framework of best practices for supporting the classified staff and faculty as we re-open college campuses.
- 4.** Recommendations to the Chancellor’s Office on any changes to regulations impacting space utilization that may be required due to the anticipated social distancing protocols.
- 5.** Recommendations on how to position our advocacy efforts to support the rapid workforce training necessary to get Californians re-employed.

6. Recommendations on any other guidance, frameworks, or best practices that would be applicable to position the system to support the recovery of our communities and state.

The Workgroup's report creates a roadmap outlining suggestions and available resources for the safe reopening of our campuses. Further action surrounding this issue will be undertaken by subject matter experts specifically focused on areas of action prioritized by the Chancellor's Office. Subject matter experts will include our labor partners as well as state, federal and local governments, local Chambers of Commerce, Medical professionals and those directly managing the pandemic response. The Chancellor's Office recognizes that since this report was completed, the progress of the pandemic has been shifting on a daily basis. In addition, current political realities will also have a significant impact on when and how campuses will reopen.

Feedback/Questions for Council

Members of Consultation Council are invited to share feedback and make additional recommendations that are germane to the Workgroup's charge. Additionally, the Chancellor's Office also welcomes feedback and comments regarding the advocacy required to secure the necessary State-level resources, funding, supplies, etc. that will be critical to this, as well as any local re-opening plan.

Attachments:

None.



DIGEST ITEM 6: PROPOSED REGULATORY ACTION ADDING SUBCHAPTER 3.5 OF CHAPTER 10 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS: CHANCELLOR'S PROCUREMENT OF GOODS AND SERVICES FOR COMMUNITY COLLEGE DISTRICTS

“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): Marc LeForestier, General Counsel
Fermin Villegas, Deputy Counsel

Issue

Chapter 41 of the Public Contract Code authorizes the Chancellor to enter into contracts for goods and services on behalf of a community college district or districts. The Chancellor’s Office proposes adopting regulations as required by the statute that would implement the intent of the Legislature and clarify how the Chancellor will exercise this authority.

Background

Assembly Bill 2329 (1998) enacted Public Contract Code (PCC) section 20661 which authorizes the Chancellor to enter into contracts for goods and services on behalf of community college districts. The legislative history of AB 2329 makes clear that one of the purposes of granting this authority to the Chancellor was to allow the Chancellor’s Office to leverage the bargaining power of the California Community Colleges when negotiating for goods and services, thus leading to lower costs and greater efficiency. While the statute contemplated the Board of Governors promulgating regulations to implement this section, it has not previously done so. In practice, the authority of the Chancellor to enter into contacts on behalf of community college districts has been delegated by agreement to the Foundation for California Community Colleges’ *CollegeBuys* program.

This regulatory action is intended to formalize the Chancellor’s Office procurement program and to ensure that community college districts are aware of their authority to participate. The proposed regulations make clear that participation in such contracting is voluntary on the part of community college districts.

Finally, in order to maximize the benefits of contracting pursuant to PCC section 20661, these regulations provide that the Chancellor may delegate this contracting authority to an auxiliary organization that possesses expertise and experience in the procurement of goods and services on behalf of educational or similar institutions. When acting on behalf of the Chancellor pursuant to this authority, the auxiliary organization will be exercising the authority of the Chancellor's Office as a public agency.

Feedback/Questions for Council

The Chancellor's Office seeks feedback from the Consultation Council on the proposed regulatory action.

Attachments:

- 1.** Draft of Board of Governors of the California Community Colleges—Text of Proposed Additions to Title 5: Chancellor's Procurement of Goods and Services for Community College Districts (Adding Subchapter 3.5 of Chapter 10 of Division 6 of Title 5 of the California Code of Regulations)

Draft of Board of Governors of the California Community Colleges—Text of Proposed Additions to Title 5: Chancellor’s Procurement of Goods and Services for Community College Districts (Adding Subchapter 3.5 of Chapter 10 of Division 6 of Title 5 of the California Code of Regulations)

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

Additions to the Chapter 10, of division 6 of title 5 of the California Code of Regulations are underlined.

Subchapter 3.5, of Chapter 10, of division 6 of title 5 of the California Code of Regulations is added to read:

Subchapter 3.5 Chancellor’s Procurement of Goods and Services for Community College Districts

§ 59130. Purpose.

(a) This subchapter implements provisions of chapter 41 of the Public Contract Code, authorizing the Chancellor to enter into contracts for goods and services on behalf of a community college district or districts.

(b) The Chancellor’s procurement contracts shall use the system-wide market power of the California Community Colleges to obtain goods and services at lower cost than individual districts could obtain through local procurement. Where appropriate, the Chancellor may utilize the life-cycle cost methodology described in Public Contract Code section 20651.7 in calculating the lowest cost for a good or service.

Note: Authority cited: Section 70901, Education Code; and Section 20661, Public Contract Code. Reference: Sections 20651.7 and 20661, Public Contract Code.

§ 59131. Contracts for procurement of goods and services

(a) Community college districts may obtain goods and services through a Chancellor’s procurement contract without having to conduct independent local bidding processes, notwithstanding Section 20651 of the Public Contract Code. Procurement contracts under this section may be awarded to sole or multiple providers, where appropriate, and shall not exceed ten years in duration.

(b) In negotiating procurement contracts under this subchapter, the Chancellor or an auxiliary organization acting pursuant to Section 59132, shall require a vendor to certify that the goods or services provided pursuant to the contract shall carry the lowest cost available upon the same terms, conditions, and specifications. A community college district that has received a formal bid for a good or service may only utilize a Chancellor’s procurement contract for that good or service if doing so would result in a lower price upon the same terms, conditions, and specifications.

(c) The Chancellor may not incur financial responsibility in connection with a procurement contract under this subchapter.

(d) The Chancellor may charge the provider of a good or service, the community college district, or both, a fee, commission, or charge in connection with a procurement contract.

(e) This subchapter does not limit community college districts' independent authority to conduct procurements under local procedures.

Note: Authority cited: Section 70901, Education Code; and Section 20661, Public Contract Code. Reference: Section 20661, Public Contract Code.

§ 59132. Delegation of Authority

(a) The Chancellor may, by agreement with an auxiliary organization as defined in section 72670.5 of the Education Code, delegate the authority to contract for goods and services for a community college district or districts.

(b) An auxiliary organization with delegated authority under subdivision (a) shall meet the following requirements:

(1) the auxiliary shall possess expertise and experience in the procurement of goods and services on behalf of educational or similar institutions;

(2) the auxiliary's procurement contracts shall serve the same purposes, meet the same requirements, and have the same effects as a Chancellor's procurement contract under this subchapter;

(3) the auxiliary's fees, commissions, or other charges shall be established by agreement with the Chancellor.

(c) The auxiliary is authorized to exercise the authority of the Chancellor as a public agency under section 20652 of the Public Contract Code to the extent authorized by this section and by agreement with the Chancellor.

Note: Authority cited: Section 70901, Education Code; and Section 20661, Public Contract Code. Reference: Sections 70901 and 72670.5, Education Code; and Sections 20652 and 20661, Public Contract Code.



DIGEST ITEM 7: BOARD OF GOVERNORS STANDING ORDERS: DELEGATION TO THE CHANCELLOR TO ENTER INTO AGREEMENTS

“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): Marc LeForestier, General Counsel

Issue

The Chancellor’s Office will propose revisions to the Board of Governors’ (Board) Standing Orders that govern the Board’s delegation of authority to the Chancellor to enter agreements on the Board’s behalf.

Background

The Board of Governors’ Standing Orders delegate authority to the Chancellor to perform functions on the Board’s behalf. Sections 318 and 319 contain the current delegations related to the Chancellor’s authority to enter contracts and grants. These sections have not been significantly updated in twenty years, and revision is required due to changes in the Board’s legal authority over contracting, and changes in Chancellor’s Office practices. In addition, the changes are intended to provide clearer guidance to Chancellor’s Office staff, and to place greater emphasis on transparency and disclosure of the use of public funds, and less emphasis on prior approval of fiscal agent agreements which typically articulate only broad, programmatic purposes.

The proposal would make the following specific changes:

- The proposal would merge the existing Grant and Contract sections into a single section that governs “Agreements.” The distinction between “grants” and “contracts” had procedural relevance years ago, when the Department of General Services exercised oversight over the Board’s contracts, but not its grant making. Today, the Department of General Services has no oversight function over Board contracting. Accordingly, there is no longer a need to adhere to distinct procedures for contracts and grants.
- The proposal would adjust the financial thresholds for Board review over agreements. Agreements currently require Board review if they are valued at more than \$100,000

(\$50,000 for consulting contracts). The proposal would raise the threshold to \$250,000 (\$100,000 for consulting contracts), and apply the new thresholds only to expenditures. Prior Board approval would no longer be required for the Chancellor's Office to receive, for example, federal Perkins funds. However, agreements beneath the Board approval threshold would become subject to disclosure. See paragraph 4, below.

- The proposal would no longer require prior Board approval to enter into fiscal agency agreements with community college districts for the transfer of Proposition 98 funds. The Legislature has already recognized that our agreements with community college districts are unique. In 2017, Public Contract Code section 20662 was enacted to exempt from competitive processes agreements with community college districts to perform services or to act as the Chancellor's fiscal agent up to a value of \$20 Million. Agreements with community college districts to perform services would continue to require prior Board authorization. Prior Board approval of fiscal agency agreements should not be required because their purpose is merely to hold and account for Proposition 98 funds, and to expend them at the direction of the Chancellor's Office through subsequent agreements between the fiscal agent (acting on the Chancellor's behalf) and a third party service provider.
- The proposal would increase reporting to the Board. All agreements requiring prior Board approval obviously involve disclosure to the Board. However, under the current Standing Orders two categories of agreements require no meaningful disclosure to the Board: (1) agreements beneath the fiscal threshold; and (2) agreements between our district fiscal agents and third-party service providers. The second of these categories is particularly significant because these agreements govern the purposes for which the majority of more than \$100 Million in categorical set aside funds are expended. The proposal would require the Chancellor to report to the Board on agreements in both categories.
- The proposal would eliminate the Board's expression of a "strong preference" for competitive bidding. Over time the Board has become exempt from the majority of competitive bidding laws. In practice, with respect to the expenditure of Proposition 98 funds, a competitive process will often be more important in contracts led by a fiscal agent district to a third party, than in relation to grants made by the Chancellor's Office.

The proposal notes that contracts and grants awarded by the Chancellor, or by a community college district fiscal agent, must be awarded through competitive processes when required by law. In practice, this will often involve competitive processes being conducted under fiscal agent districts' local by-laws. In addition, whether a competitive process is used or not, the proposal would require the Chancellor to ensure that funds are expended in a cost-effective manner, utilize sound

fiscal practices, protect against the misuse of public funds, and prevent favoritism, fraud, and corruption in the award. This requirement would extend to agreements between fiscal agents and third parties.

- The proposal would also eliminate references to the approval of Chancellor's Office requests for bids, a practice which was fallen into disuse. Bid processes are also addressed in the Chancellor's Office Contracts and Grants Manual.
- Finally, the proposal would make express the direction that the Chancellor's agreements must further the goals and objectives of the *Vision for Success*.

Feedback/Questions for Council

The Chancellor's Office would be interested in hearing feedback on this proposal from members of the Consultation Council.

Attachments:

- 1.** Proposed Text of New Standing Order, Section 318
- 2.** Text of Existing Standing Order, Sections 318 and 319

Proposed Text of New Standing Order, Section 318

318. Chancellor's Authority to Enter Agreements

- (a) The Chancellor is authorized to enter into binding agreements to exercise the duties and responsibilities vested in the Chancellor by law or delegated to the Chancellor by these Standing Orders, to effectuate policies previously adopted by the Board, and to facilitate coordinated activities with other public agencies, including community college districts.
- (b) The Chancellor shall secure Board approval before entering into any agreement:
 - (1) Involving an expenditure of funds in excess of \$250,000;
 - (2) Involving an expenditure for funds in excess of \$100,000 for consulting service; or
 - (3) With a term in excess of three (3) years.
- (c) The Chancellor may enter into agreements in excess of the limitations outlined in subdivision (b), above:
 - (1) With a community college district to serve solely in the capacity of a fiscal agent; and
 - (2) In urgent or unforeseeable situations when seeking Board approval at a regular meeting would substantially and adversely affect the Chancellor's Office or one or more California community colleges, after consultation with the General Counsel and the Board President.
- (d) The Chancellor shall report to the Board on all agreements entered under the authority of subdivisions (a) and (c).
- (e) Any published materials produced under an agreement or sub-agreement using state funds must be subject to a Creative Commons Attribution License (CC BY), denoted by the following symbol:



- (f) The Board is exempt from the majority of competitive bidding requirements found in the Public Contracts Code and other statutory schemes. Contracts and grants awarded by the Chancellor, or by a community college district fiscal agent shall be awarded through competitive processes when required by law. Whenever a contract or grant is awarded, the Chancellor must ensure that funds are expended in a cost-effective manner, utilize sound fiscal practices, protect against the misuse of public funds, and prevent favoritism, fraud, and corruption in the award.
- (g) Agreements entered by the Chancellor shall, whenever possible, further the goals and objectives of the *Vision for Success*.

Text of Existing Standing Order, Sections 318 and 319

318. Contracts.

(a) Except as provided in subsection (b), whenever the power to contract is invested in the Board, or when, in the judgment of the Chancellor, such contracts are expressly or impliedly authorized to fulfill responsibilities or authorities vested in the Office of the Chancellor, the Chancellor is authorized in the name of the Board of Governors to enter into such contracts.

(b) The Chancellor shall secure Board approval before entering into any contract:

(1) In excess of \$100,000; or

(2) Over three years in duration; or

(3) With respect to consulting services, in excess of \$50,000.

The requirement for Board approval shall apply to any amendment of a contract which results in the original contract exceeding the specified limits, as well as the amendment of a contract where the amendment itself exceeds the specified limits. Under circumstances when the need to contract was not foreseeable, and when delaying approval of the contract until the next Board meeting would jeopardize the contract or frustrate its purpose, the Chancellor shall have the authority to enter into contracts in excess of the limits specified in this subsection. Before entering into such contracts, however, the Chancellor shall consult with the President of the Board.

(c) In securing the approval of contracts by the Board pursuant to subsection (b), the Chancellor shall apply the following procedures:

(1) In determining the nature, extent and need for any such contract, the Chancellor shall provide a summary of the Request for Proposal (RFP), Invitation for Bid (IFB), or other summary of the purpose and need for a contract to the Board of Governors prior to publicly releasing any such RFP or IFB, or prior to making any informal commitment to contract. The Chancellor may proceed with the release of the RFP, IFB, or other contract negotiations, unless the Board President, with or without the advice of any appropriate Board Committee designated by the President, directs the Chancellor to withhold action within a 10 day period from the date the summary is provided.

(2) In developing language for such contracts, the Chancellor shall include a provision which allows any aggrieved bidder on an RFP or IFB to protest the awarding of a contract to the Chancellor. The Chancellor shall inform the Board of any such protests, including the results of such protests. This remedy shall be in addition to the bidder's right to protest the matter to the Department of General Services.

(3) The Chancellor shall ensure that each panel of evaluators who score proposals is made up of staff from more than one division in the Chancellor's Office, including outside evaluators as appropriate; and the Chancellor shall take such other steps as necessary to ensure that evaluations and scoring are objective and fair.

(4) In requesting approval of said contracts, the Chancellor shall, at the time of distributing each regular meeting agenda to the Board of Governors, include a summary of contracts for Board approval. The summary for each contract shall indicate: the purpose of the contract; the amount of the contract; the time for performance of the contract, including whether it was advertised as a multi-year contract; the number of proposals received or whether the contract is a sole source contract; the number of proposals which met the minimum score for cost opening; and the party awarded the contract.

The provisions of subparagraphs (1) through (3) above shall not apply to interagency agreements with other state agencies, and other agreements necessary for the agency to receive public funds.

(d) The authorization contained in subsection (a) includes agreements, leases, contracts, and other documents, including but not limited to: service agreements, insurance agreements, fiscal, budgetary, and personnel documents, requests, contracts for the purchase of apparatus, furniture, equipment, supplies and books, as well as contracts entered into as necessary to receive federal funds allocated to the California Community Colleges, all within the limits of fiscal ability and sound budgetary controls and subject to such policies as may be established by the Board. (Ed. Code, § 70901, subd.(b)(S).)

(e) As a condition of receiving funding from the California Community College Chancellor's Office, educational materials created using those funds should be made available by the grantee under the Creative Commons Attribution License (CC BY) with the following symbol included.

319. Grants.

(a) Except as provided in subsection (b), whenever the power to enter into a grant is invested in the Board, or when, in the judgment of the Chancellor, a grant is expressly or impliedly authorized to fulfill responsibilities or authorities vested in the Office of the Chancellor, the Chancellor shall have the authority to enter into such grants.

(b) The Chancellor shall secure Board approval before entering into any grant:

(1) In excess of \$100,000; or

(2) Over three years in duration.

The requirement for Board approval shall apply to any amendment of a grant which results in the original grant exceeding the specified limits, as well as the amendment of a

grant where the amendment itself exceeds the specified limits. Under circumstances when the need to enter into a grant was not foreseeable, and when delaying approval of the grant until the next Board meeting would jeopardize the grant or frustrate its purpose, the Chancellor shall have the authority to enter into grants in excess of the limits specified in this subsection. Before entering into such grants, however, the Chancellor shall consult with the President of the Board.

(c) Prior to submitting grants to the Board for approval pursuant to subsection (b), the Chancellor shall either:

(1) present to the Board for its review and approval an expenditure plan outlining the nature, extent and need for any such grants; or

(2) provide a summary of the Request for Application (RFA) or other summary of the purpose and need for a grant to the Board of Governors prior to publicly releasing any such RFA or prior to making any informal commitment to award a grant. The Chancellor may proceed with the release of the RFA unless the Board President, with or without the advice of any appropriate Board Committee designated by the President, directs the Chancellor to withhold action within a 10 day period from the date the summary is provided.

(d) All grants awarded by the Board of Governors or the Chancellor on or after January 1, 1996, shall be awarded through competitive processes or through allocation formulas reviewed and approved by the Board of Governors, except that:

(1) Grants may be awarded competitively within regions.

(2) Grants for regional or statewide coordination activities for the Extended Opportunity Programs and Services (EOPS), Disabled Students Programs and Services (DSPS), Matriculation, and Economic Development programs need not be competitively bid.

(3) Where there are conditions beyond the control of the Chancellor which limit competition, such as matching fund requirements or other agencies being required to select grantees, the Chancellor, in consultation with the President of the Board and the Chairperson of the appropriate committee, shall have authority to award grants without competition.

(e) Panels evaluating or scoring grant proposals will include or be comprised of outside readers as appropriate and will be comprised so as to assure objectivity and prevent conflicts of interest. In the event that outside readers are not used, the evaluation panel shall be comprised of staff from more than one division in the Chancellor's Office. The Chancellor shall ensure that readers are appropriately trained with respect to the process for review of grant applications.

(f) Grants for the performance of functions which are ongoing in nature will be awarded in cycles of between one and five years in length. In advertising a grant for an ongoing function, district personnel will be apprised of the length of the cycle and the funding anticipated to be available for the duration of the project; provided however, that

nothing in this section shall be construed to preclude subsequent adjustment of actual funding levels to reflect unforeseen circumstances. Districts shall be further informed that continuance of the grant will depend on year-to-year funding, and continued satisfactory performance. The Chancellor shall have the authority to exempt grants described in subsection (d)(2) or those awarded under the Mathematics, Engineering, and Science Achievement (MESA) program, the Middle College High School program, or the Puente project from the duration limitations imposed by this paragraph.

(g) As a condition of receiving funding from the California Community College Chancellor's Office, educational materials created using those funds should be made available by the grantee under the Creative Commons Attribution License (CC BY) with the following symbol included:

(h) A district which, prior to January 1, 1996, has been awarded a grant on a non-competitive basis for the performance of an ongoing function may continue to be awarded that grant, at the discretion of the Chancellor, for a period of up to three additional fiscal years. Retention of the grant shall depend on continued availability of funds and satisfactory performance. At the conclusion of the term, the grant for the ongoing function shall be awarded on a competitive basis.

(i) To the extent that a grantee contracts with a private or public entity to perform certain parts of the grant, the grantee shall be required to disclose the intended purpose and amount of such subcontracting, shall agree to follow locally applicable competitive bidding processes in doing such subcontracting, and shall agree to name the subcontractors chosen.

(j) The procedures specified above shall not apply to grants which are distributed on an allocation formula basis which has been reviewed and approved by the Board of Governors.



DIGEST ITEM 8: PROPOSED REGULATORY ACTION PERMANENTLY ADDING CHAPTER 3.5 OF DIVISION 6, OF TITLE 5: CHANCELLOR'S EMERGENCY AUTHORITY

“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): Marc LeForestier, General Counsel
Fermin Villegas, Deputy Counsel

Issue

The Chancellor’s Office is proposing to adopt a permanent regulation conferring authority on the Chancellor in cases of a state declared emergency.

Background

The COVID-19 pandemic beginning in March 2020 resulted in drastic disruptions to the administration of the California Community Colleges, most importantly the continuity of education for our students. To respond to these disruptions as quickly as possible and ensure that quality instruction for students continued, the Board of Governors (Board) adopted an emergency regulation that authorized the Chancellor to take all appropriate actions, including by executive order, to allow the continued education of community college students during the period of emergency, including the temporary suspension of regulations adopted by the Board and the suspension of related local rules and regulations that were a barrier to the continuity of educational services.

This emergency authority allowed the Chancellor’s Office to quickly take action to address issues as they arose. Exercising this emergency authority, the Chancellor was able to suspend regulations that were causing hardships on colleges and students, such as for example, regulations preventing students from dropping courses and receiving refunds after the COVID-19 emergency began. However, because the Chancellor’s emergency authority was adopted on an emergency basis, it was temporary in nature and will expire 180 days from its enactment, on or about September 18, 2020, unless renewed by the Board.

Because of the uncertain nature of the post-COVID recovery, and in anticipation of other eventualities that may occur in the future necessitating a renewal of such emergency authority, the Chancellor’s Office believes it is in the interest of the California Community

Colleges to adopt a permanent regulation conferring emergency authority on the Chancellor, under limited circumstances, to take actions to mitigate the effects of such disruptions for the benefit of students, faculty, staff, and other system stakeholders, and to ensure the continuity of educational services. Accordingly, this proposed regulation is presented for consideration by the Consultation Council.

Feedback/Questions for Council

The Chancellor's Office seeks feedback from the Consultation Council on the proposed regulatory action.

Attachments:

- 1.** Text of Proposed Addition to Title 5: Chancellor's Emergency Authority (Adding Chapter 3.5 of Division 6 of title 5 of the California Code of Regulations)

Text of the Proposed Addition to Title 5: Chancellor's Emergency Authority (Adding Chapter 3.5 of Division 6 of title 5 of the California Code of Regulations)

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

Chapter 3.5, of division 6 of title 5 of the California Code of Regulations is added to read:

Chapter 3.5 Chancellor's Emergency Authority

§ 52020. Chancellor's Emergency Authority.

- (a) During a period of emergency proclaimed by the Governor of the State of California, the Chancellor may assume emergency authority upon a finding, made in consultation with the President of the Board of Governors, that the emergency will result in substantial disruption to the educational mission of one or more California community colleges or college districts. The Chancellor's emergency authority may be exercised on a local, regional, or statewide basis, according to the circumstances of the declared emergency, and must be directed toward maintaining the continuity of educational services.
- (b) The Chancellor's emergency authority includes, but is not limited to, the issuance of executive orders, for any of the following purposes:
 - (1) to temporarily suspend regulations adopted by the Board, or local rules and regulations, that are a barrier to the continuity of educational services; and
 - (2) to establish temporary procedures governing the California Community Colleges.
- (c) Actions taken by the Chancellor pursuant to this section shall remain in force and effect for the duration of the declared emergency, unless otherwise specified. The Chancellor may specify that an emergency action will remain in force and effect beyond the end of a declared emergency to avoid undue administrative burden or to prevent the disruption of educational services.
- (d) The Chancellor shall report to the Board all actions taken under this section. Any emergency action taken by the Chancellor may be amended or terminated by a resolution adopted by majority vote of the Board.
- (e) Emergency actions taken by the Chancellor pursuant to this section are exempt from Article 3, of Chapter 3, of the Procedures and Standing Orders of the Board of Governors. However, prior to implementing an emergency action, the Chancellor shall make reasonable efforts to consult with community college stakeholders most likely to be affected by the action.

Note: Authority: Sections 70901 and 70901.5, Education Code. Reference: Section 71090, Education Code.



DIGEST ITEM 9: DISTANCE EDUCATION FACULTY PREPARATION DISCUSSION

“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): Marty J. Alvarado, Executive Vice Chancellor, Educational Services and Support

Issue

The system-wide conversion to a distance education (DE) instructional delivery method has prompted questions regarding state and local requirements for faculty preparation when teaching in online environments. At the request of Consultation Council members, this item is presented to provide an opportunity for discussion on the need or benefit for a consistent standard or approach for faculty preparation.

Background

Language in title 5 regulations governing distance education include references to faculty preparation in section 55208 Faculty Selection and Workload. Specifically, it states that instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements.

Various stakeholder groups have interpreted this title 5 language differently over the years and these interpretations are now generating confusion about what is required and what colleges will need to put in place prior to the fall semester. The confusion appears to be related to the level of faculty preparation that is required and the constraints or rules that campuses need to follow, including whether a formal certification or a set number of hours is required, per statute or regulations.

Given the rapid transition to online distance education, it required that nearly all faculty be trained to provide quality DE instruction. Disparate local certification requirements have created inequities in faculty training and raised questions about the fairness of differing local policies. Subsequently, a request was made for the Chancellor’s Office to bring this issue to the Consultation Council to open a discussion on a statewide approach or to require for faculty professional development related to distance education instruction. The request also included a question regarding faculty minimum qualifications and clarifying or connecting the distance education faculty preparation requirements relative to the established minimum qualifications requirements, as

stipulated in title 5, Subchapter 4 Minimum Qualifications. Currently, the title 5 regulations on faculty minimum qualifications focus on credential attainment or the allowable equivalency and is silent on any qualifications related to proficiencies or knowledge of instructional pedagogy.

Feedback/Questions for Council

- What concerns have surfaced within your stakeholder groups related to training and the scaled conversion to an online distance education delivery method?
- What benefits or barriers would exist in moving forward with a statewide approach to faculty preparation related to distance education offerings?
- Given the Call to Action and the focus on classroom climate, what questions or comments surface relative to faculty professional development and/or faculty minimum qualifications?
- What questions arise that need further exploration?

Attachments:

1. Title 5, Section 55208 Faculty Selection and Workload
2. Title 5, Section 53410 Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians

Title 5, Section 55208 Faculty Selection and Workload

§ 55208. Faculty Selection and Workload.

(a) Instructors of course sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the course's subject matter most appropriately falls, in accordance with article 2 (commencing with section 53410) of subchapter 4 of chapter 4, and with the list of discipline definitions and requirements adopted by the Board of Governors to implement that article, as such list may be amended from time to time.

(b) Instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements.

(c) The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered in whole or in part by distance education may include a review by the curriculum committee established pursuant to section 55002(a)(1).

(d) Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards.

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

Title 5, Section 53410 Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians

§ 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

The minimum qualifications for service as a community college faculty member teaching any credit course, or as a counselor or librarian, shall be satisfied by meeting any one of the following requirements:

(a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, but where a related bachelor's or associate degree is generally expected or available, possession of either:

(1) a bachelor's degree in the discipline directly related to the faculty member's teaching assignment or equivalent foreign degree plus two years of professional experience directly related to the faculty member's teaching assignment; or

(2) an associate degree in the discipline directly related to the faculty member's teaching assignment or equivalent foreign degree plus six years of professional experience directly related to the faculty member's teaching assignment.

(d) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, and where a related bachelor's or associate degree is not generally expected or available, possession of either:

(1) any bachelor's degree or equivalent foreign degree plus two years of professional experience directly related to the faculty member's teaching assignment; or

(2) any associate degree or equivalent foreign degree plus six years of professional experience directly related to the faculty member's teaching assignment.

Note: Authority cited: Sections 66700, 70901 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87003, and 87356, Education Code.



DIGEST ITEM 10: 2021-22 SHARED ADVOCACY REQUEST

“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
David O’Brien, Vice Chancellor, Governmental Relations

Issue

In light of historic economic conditions and changing legislative dynamics, the Chancellor's Office (CCCCO) will provide an overview of the process for developing the 2021-22 Shared Advocacy Request.

Background

Each year, the College Finance and Facilities Planning Division and the Governmental Relations Divisions partner to seek recommendations for inclusion in the 2021-22 California Community Colleges Systemwide Shared Advocacy Request. During these unprecedented times, advocacy remains critical to amplifying the importance of California Community Colleges in the response to COVID-19 and recovery of our state’s economy. However, this health and economic crisis has brought the need to revisit our strategy towards advancing systemwide priorities, especially the most fundamental resources for students and colleges that were left out of the 2020-21 budget and legislative process.

Process

The Consultation Council will engage in a review and discussion of unmet 2020-21 budget and legislative priorities. Members will crosswalk and evaluate against unmet priorities and collectively develop a preliminary list of 2021-22 Shared Advocacy Request. Following the evaluation by Consultation Council, the preliminary list will be distributed broadly for comments and considerations.

Timeline

Date	Entity	Description
June 18	Consultation Council	Review of remaining priorities and process to evaluate priorities and realign to current needs.
June 22	Stakeholder Listservs	Email stakeholders providing details about the Shared Advocacy Request engagement process. Present timeline, process, and forms each District can submit with comments and consideration. Request Vice Chancellors to identify and forward to other listservs. Forward to all CCCCO staff.
July 10	Deadline for Submissions	Deadline for submission of Comment Form to Finance and Governmental Relations
July 20-21	Board of Governors	Present overview of process to Board of Governors
July 31	System Constituents	Hold webinar to discuss received proposals. Begin outlining a proposed request
August 20	Consultation Council	Present 2021-22 Shared Advocacy Request and request sign-ons for support letter
September 21-22	Board of Governors	Present 2021-22 Shared Advocacy Request for Board approval
September 25	Department of Finance	Send transmittal letter, 2021-22 Budget and Legislative Request, and BCPs to the Department of Finance

Date	Entity	Description
October 1	System Constituents	Hold webinar discussing final request. Discuss next steps and follow-up on letter of support sign-ons.
January 10	Governor	Release of Governor's Budget
February	Legislative Deadline	Deadline to Introduce 2021 Legislation

Feedback/Questions for Council

Members of Consultation Council will be invited to engage in a discussion about core messaging and alignment of advocacy for the remainder of the 2020-21 year. The Chancellor's Office will discuss ways to ensure the upcoming 2021-2022 Shared Advocacy Request maintains momentum towards advancing the *Vision for Success* while also adapting to the emergency needs of students and the colleges that serve them.

Attachments:

1. Summary of 2020-21 Budget and Policy Requests

Summary of 2020-21 Budget and Legislative Requests

Crosswalk and Alignment with Unmet Needs

2020/21 Budget and Legislative Request Proposals

Proposal: Funding to Meet Current Obligations and Provide Cost Adjustments.

Summary: Requests COLA and other workload adjustments for categorical programs, including Financial Aid, that are typically made for community college apportionments as part of the budget process. Additionally, authorizes adjustments to state General Fund Appropriations for the SCFF to account for revised cost estimates and offsetting revenues.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes, Colleges are currently facing a shortfall in revenues.

Consultation Council Comments:

Proposal: Support for Pension Contributions.

Summary: Requests that the state “buy down” districts CalSTRS and CalPERS rates in 2020-21 (consistent with the actions taken with the 2019-20 budget), so that the districts’ rates in 2020-21 would be equal to their rates in 2019-20.

Included in 2020/21 Budget? Yes.

Alignment with Current Needs: Yes, Colleges are currently facing a shortfall in revenues.

Consultation Council Comments:

Proposal: Board of Governors’ Capital Outlay Program.

Summary: This request seeks an appropriation of bond funds that would be issued pursuant to the authority granted in proposition 51 (2016) for the purpose of funding 64 Capital Outlay projects (39 continuing and 25 new).

Included in 2020/21 Budget? Yes.

Alignment with Current Needs: Yes-Projects in progress should be completed.

Consultation Council Comments:

Proposal: Cal Grant Reform.

Summary: Request for reform to the Cal Grant program with a focus on the following goals: (1) Financial aid eligibility should be expanded so that all students with financial need are eligible to receive financial aid at California’s public postsecondary institutions. (2) Award amounts to cover non-tuition costs should increase over the current Cal Grant B Access Award amount and should be linked to a student’s total cost of attendance. (3) All students in California’s public higher education systems, whether they are seeking career education or a degree, should be eligible to receive the financial aid they need to achieve their goals.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Textbook Affordability.

Summary: One-time funding to provide grants to community college districts to continue to develop OER and ZTC degree pathways across the system.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes, there are opportunities to improve equity inherent in this program and the movement to online instruction is an opportunity to promote OER and ZTC.

Consultation Council Comments:

Proposal: Annual Survey of Students' Basic Needs.

Summary: Funding for an annual review of students' basic needs, including at minimum, a survey of students' housing, transportation, and food needs. The annual review would also contain recommendations for system- and college-level interventions to support students.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Implementation of Faculty and Staff Diversity Taskforce Recommendations

Summary: Funding to implement the diversity, equity, and inclusion integration plan that would support colleges in their ongoing efforts to meet diversity goals and promote student success. The funding would be used for full-time faculty hiring, EEO implementation, and professional development, including a statewide fellowship program to improve faculty diversity hiring, the modernization of the CCC registry, implementation of Dreamers Project recommendations for faculty and staff support, and staffing at the Chancellor's Office to provide leadership in statewide best practices and EEO plan implementation and reporting.

Included in 2020/21 Budget? No.

Alignment with Current Needs: While this proposal does not align with the priorities in the recent advocacy letter, given the current climate, there is an opportunity to revisit the proposal.

Consultation Council Comments:

Proposal: Professional Development to Improve Teaching and Student Support.

Summary: Funding for professional development that creates opportunities for pedagogical improvement, including access to teaching techniques and research in educating California's diverse student population. This professional development would also include training that helps our system better serve traditionally underserved students—including low income students, undocumented immigrants, reentry students, and other populations—as well as identify and respond to students who may be struggling with basic needs such as food and housing insecurity.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Professional development focused on online teaching and learning is in alignment with current needs

Consultation Council Comments:

Proposal: Part-Time Faculty Support.

Summary: Provides funding for support programs for part-time faculty which will help these faculty be included in college efforts to implement the Guided Pathways framework and achieve the goals of the *Vision for Success*.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Augmentations for the Student Equity and Achievement Program.

Summary: Provides support services to students who face barriers to their success in the community colleges.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Expansion of Mental Health Services.

Summary: Requests ongoing funding from Proposition 63 funds to provide students with quality mental health services. These resources would allow colleges to make the commitment to hiring the staff necessary to provide students with high-quality mental health services on an ongoing basis.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Expansion of Educational Program for Incarcerated Students.

Summary: Provides funding to offer instruction inside prisons. Funding would support hiring local coordinators, streamlining the student application process, collaborating with the Department of Corrections and Rehabilitation, and supporting other local needs, including access to textbooks, classroom space and technology, and faculty training.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Establishment of System of Support for CCC.

Summary: Create greater alignment across certain categorical set-asides to promote streamlining, equity, and efficiency.

Included in 2020/21 Budget?

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Expansion of CCCCO Research and Planning Unit.

Summary: Provides resources at the Chancellor's Office to help the system undertake high-quality research, planning, and assessments that will improve evidence-based decision making, institutional effectiveness, and success for all students.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Establishment of CCCCCO Housing Unit.

Summary: Provides funding to establish a housing unit at the Chancellor's Office and funds feasibility studies of affordable student housing projects at community colleges.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Establishment of CCCCCO Energy and Environmental Sustainability Unit.

Summary: The California Community Colleges Climate Change and Sustainability Policy establishes eight goals for 2030, with incremental progress expected by 2025. Ongoing funding from the Greenhouse Gas Reduction Fund and two positions to establish an Energy and Environmental Sustainability Unit to 1) monitor and report on the system's progress toward these goals; 2) link efforts across the system, including those related to educational programs, workforce development, and business and administration (e.g., facilities management); and 3) provide technical assistance on complex projects.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: CCC Library Services Platform.

Summary: Ongoing funding for a systemwide technology platform and operational approach that would allow the libraries in the California Community Colleges to better manage and deliver digital information to support teaching and learning.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes, there are opportunities to improve equity inherent in this program and the movement to online instruction is an opportunity to promote a systemwide Library Services Platform

Consultation Council Comments:

Proposal: Systemwide Awareness and Outreach.

Summary: Although media campaigns are successful in reaching many target groups, the Chancellor's Office has identified groups it must more effectively reach: older adults, speakers of languages other than English, and black and African American students. This proposal provides targeted funding to increase awareness about community college opportunities to these groups.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Core Support for CCCCCO Operations.

Summary: Funding for additional positions at the Chancellor's Office.

Included in 2020/21 Budget? 1 Position.

Alignment with Current Needs:

Consultation Council Comments:

Budget Advocacy Letter Proposals

Proposal: Property Tax Backfill.

Summary: Request an automatic increase to the California Community College General Fund to backfill any shortfalls in apportionments, property taxes, and enrollment fees. In addition, the request includes a request for the reimbursement of enrollment fees refunded as a result of the COVID-19 pandemic.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: COLA and Base Resources.

Summary: Requests COLA and other workload adjustments to keep pace with growing costs and unanticipated COVID-19 expenses.

Included in 2020/21 Budget?

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Online Education Ecosystem.

Summary: Provides funding for online infrastructure to support students, faculty, and staff.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Student Emergency Supports and Transition to Quality Online Instruction Block Grant.

Summary: Provides one-time funding to support student basic needs in the wake of COVID-19, support the transition to online instruction, and provide funding for facilities sanitation.

Included in 2020/21 Budget?

Alignment with Current Needs: Yes.

Consultation Council Comments:

Proposal: Diverse Hiring Fellowship Program.

Summary: Creates a fellowship for current and recent graduate students to improve faculty diversity through recruitment and mentorship.

Included in 2020/21 Budget? No.

Alignment with Current Needs: Yes.

Consultation Council Comments: