



October 18, 2012

State Legislative Update

This following report provides a brief summary of significant community college-related bills introduced in the Legislature and the final status of these bills. For details on specific bills, please visit the Legislative Counsel's website at www.leginfo.ca.gov. We've also attached the Chancellor's Office legislative tracking matrix.

Academic Affairs

AB 2171 (Fong) Public Postsecondary Education: Community Colleges: Expulsion Hearing

Summary: AB 2171 would authorize community college boards of trustees or their designee(s) to deny, permit, or place conditions on the enrollment of a student applicant who has been expelled from a community college within the preceding five years, if the board determines that the person poses a risk to the safety of others. The student may appeal the ruling to the governing board.

Status: AB 2171 was signed by the Governor, Chapter 426, Statutes of 2012.

Position: Support

Accountability / Intersegmental / Coordination and Efficiency

SB 885 (Simitian) Public Education Accountability

Summary: SB 885 authorizes the California Community Colleges Chancellor's Office, CSU, UC, the California Department of Education, State Board of Education, Commission on Teacher Credentialing, Employment Development Department, and CA School Information Services to enter into a Joint Powers Authority to develop a comprehensive database for students from preschool through higher education (P-20).

Status: Vetoed

Position: Support

Budget / Finance / Facilities

AB 178 (Gorrell and Ma) State Teachers' Retirement: Post-Retirement Employment

Summary: Current law limits the earnings of an employee in STRS and limits the ability of a retired employee to reinstate. The law also provides exceptions to both of these provisions in certain cases, such as when a school or college district is in academic or financial distress and needs quick expertise to address these urgent matters. These exemptions expired on June 30, 2012. AB 178 extends the sunset date for the exemptions from the earnings limitation until June 30, 2013 (amended by AB 340).

When a community college district experiences severe financial or academic hardships, the Board of Governors may appoint a special trustee or administrator to provide oversight. The exemption in this bill will help maintain a pool of qualified retirees to take these critical but temporary positions. With ongoing budget cuts, more college districts may find themselves in fiscal distress.

Status: AB 178 was signed by the Governor, Chapter 135, Statutes of 2012.

Position: Support

AB 340 (Furutani) Public Employees Retirement

Summary: AB 340 enacts major revisions to the public retirement system. AB 340 is a complex measure that requires a thorough review and analysis. Below are highlights of the bill:

- Establishes a cap on the amount of compensation that can be used to calculate a retirement benefit for new members.
- Prohibits the purchase of service credit for all members.
- Requires employees to pay at least 50% of total employer/employee contribution for new members.
- Reduces the retirement formulas for new employees.
- Revises the method of calculating final compensation for new employees.
- Increases the waiting period for post-retirement employment for all employees.
- Forfeits pensions for felony convictions within the scope of employment for all employees.

In addition, AB 340 amends the recently enacted pension reform bill (AB 178) to specify the conditions under which retired employees are able to return to work in a district. Specifically, AB 340 changes AB 178 in the following ways:

- Extends the CalSTRS earning exemption in AB 178 from June 30, 2013 to June 30, 2014.
- Changes the positions eligible for the CalSTRS exemption by removing administrator, and adding fiscal expert, receiver, or special trustee.
- Clarifies that the earnings limit exemption will not apply if the retiree was in a retirement incentive program within the last six months or if the need for the exemption is based upon the retired member having retired from the position that is vacant.

Status: AB 340 was signed by the Governor, Chapter 296, Statutes of 2012.

AB 2164 (Dickinson) Community College Facilities: State Bond Reimbursement

Summary: AB 2164 authorizes a community college district to be reimbursed for district funds used for construction projects that have been approved by the Board of Governors, Department of Finance and the State Public Works Board and have received apportionment funding in the state budget from the Legislature. The reimbursement would only apply to a statewide bond passed on or before December 31, 2014 and eligibility for reimbursement sunsets on January 1, 2016.

Status: AB 2164 passed the Assembly, but was held by the Senate Appropriations Committee.

Position: Support

AB 2442 (Williams) California Hope Public Trust

Summary: This bill would establish the California Hope Public Trust for the purposes of providing much needed financial support to the UC, CSU and California Community Colleges. The Trust would be funded by transfers of state-owned property that are suitable for development. The Trust would manage those properties with the goal of increasing the value of its holdings and earning revenue for the higher education systems.

Status: Vetoed

AB 2655 (Swanson) Community Colleges Inmate Education Programs: Computation of Apportionments

Summary: AB 2655 authorizes community colleges to receive full funding for credit courses offered in correctional institutions. Specifically, it would waive “open course” provisions for community college courses offered in state correctional facilities and would allow attendance hours generated by credit courses at all correctional facilities to be funded at the full credit rate.

Status: AB 2655 passed the Assembly and the Senate Education Committee on consent, but was held by the Senate Appropriations Committee.

Position: Support

SB 114 (Yee) Teachers Retirement: Part Time Faculty Service Credit

Summary: Beginning July 1, 2013, SB 114 requires community college districts to submit collective bargaining agreements or employment agreements for part-time instructors to the California State Teachers' Retirement System (CalSTRS) to help ensure accurate reporting of hours worked by part-time faculty for service credit.

Status: SB 114 was signed by the Governor, Chapter 829, Statutes of 2012.

SB 1280 (Pavley) Best Value Procurement

Summary: SB 1280 would allow community college districts (as well as the University of California) to utilize best value procurement methods until January 1, 2018 for the purchase of supplies and materials that exceeds \$50,000 and the district determines that it can expect long-term savings through the use of objective performance criteria other than price. Districts will be required to report to the Chancellor's Office on their usage of this new provision. Currently, districts are only allowed to use the traditional competitive bidding method. SB 1280 allows districts to consider factors such as life-cycle costs, servicing costs, durability, and factors other than price. For example, purchasing energy efficient light bulbs may be more expensive to purchase but the savings are realized in lower energy costs over time. This is based on the successful use of these methods by municipal utility districts.

Status: SB 1280 was signed by the Governor, Chapter 708, Statutes of 2012.

Position: Support

SB 1509 (Simitian) Design-Build Contracts

Summary: SB 1509 extends the sunset date for using design-build contracts from January 1, 2014 to January 1, 2020. Public agencies may release bids on engineering and architecture and make a selection based on the quality of the proposal. Construction contracts are often awarded to the lowest cost, responsible bidder. The design-build process allows the community college district to bid on the project's design and construction together, and accept bids based on quality with cost as a consideration.

Status: SB 1509 was signed by the Governor, Chapter 708, Statutes of 2012.

Position: Support

CTE / Green Jobs / Energy / Workforce Preparation

AB 1532 (J. Perez) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund

Summary: AB 1532 creates the Greenhouse Gas Reduction Fund Investment Plan and Communities

Revitalization Act to set in place procedures for the investment of revenues derived from the auction of greenhouse gas allowances from the cap and trade program adopted by the Air Resources Board under the California Global Warming Solutions Act of 2006, also known as AB 32 (Nuñez and Pavley), Chapter 488, Statutes of 2006. AB 1532 has the potential to create a source of revenue in the State Treasury that will be used for reducing greenhouse gasses through energy efficient projects and practices. AB 1532 sets guidelines and procedures for the Air Resources Board for the distribution of these funds. Community colleges are expected to be eligible to compete for these monies that will be created after the auction.

Status: Assembly Bill 1532 was signed by the Governor, Chapter 807, Statutes of 2012.

AB 2309 (Hill) Community Colleges: Public Private Partnerships Pilot Program

Summary: AB 2309 authorizes the Board of Governors, upon availability of sufficient funding, to establish a competitive grant pilot program that will enhance business development and job creation.

Status: Vetoed

SB 1070 (Steinberg) Community Colleges Economic and Workforce Development (Reauthorize SB 70)

Summary: SB 1070 refocuses and reauthorizes SB 70 (Scott) from 2005 that provided grants for career technical education partnerships with K-12 districts. SB 1133 (Torlakson, 2006) which established the Quality in Education and Investment Act provides funding for SB 70 projects through 2013-14. The author's intent is to delineate program goals, provide guidance grants that will have priority, strengthen accountability, and expand legislative oversight. The BOG is the cosponsor of SB 1070 with the California Department of Education.

Status: SB 1070 was signed by the Governor, Chapter 433, Statutes of 2012.

Position: Sponsor/Support

SB 1402 (Lieu) California Community Colleges Economic and Workforce Development Program

Analysis /Summary: SB 1402, one of the BOG's sponsored bills, reauthorizes the California Community Colleges Economic Workforce Development program. The California Community Colleges Association for Occupational Education is a cosponsor of the bill.

Status: SB 1402 was signed by the Governor, Chapter 361, Statutes of 2012.

Position: Sponsor/Support

SB 1550 (Wright) Community Colleges: Extension Courses

Summary: Senate Bill 1550 authorizes the Community College Chancellor's Office to select up to five campuses for the purpose of establishing a pilot extension program offering career and workforce training credit courses. Pilot campuses will be permitted to charge students the full cost of instruction. The bill requires the extension programs to be self-supporting and open to the public, and prohibits districts from supplanting regularly-funded courses with extension courses. The Senate Committee on Education added new amendments that limit the scope of the bill and prohibit the ability of a district not participating in the pilot to create a two tiered fee structure for regular credit and extension courses.

Status: Senate Bill 1550 passed the Senate, but was held in the Assembly Committee on Higher Education.

Other

AB 852 (Fong) Part Time Faculty: Return Rights

Summary: This bill would require that the return rights of temporary faculty be negotiated fully in the collective bargaining process. These provisions will expire on January 1, 2020.

Status: AB 852 was placed on the Inactive File on the Senate Floor.

AB 1434 (Feuer) Child Abuse Reporting: Mandated Reporters

Summary: The bill adds employees of public or private higher education institutions as “mandated reporters” who are charged with reporting child abuse or neglect that occurs on the institution’s grounds.

Status: AB 1434 was signed by the Governor, Chapter 519, Statutes of 2012.

SB 1264 (Vargas) Child Abuse Reporting: Mandated Reporters

Summary: SB 1264 adds any athletic coach, assistant coach and graduate assistant involved in coaching to the list of individuals who are mandated reporters at a public or private postsecondary institution.

Status: SB 1264 was signed by the Governor, Chapter 518, Statutes of 2012.

Student Fees and Financial Aid

AB 1500 (J. Perez) Budget Higher Education: Middle Class Scholarship Fund

Summary: Assembly Bill 1500 requires that for taxable years beginning on or after January 1, 2012, current tax law affecting multistate businesses is repealed, and instead requires that calculations regarding the California income tax liability be based on the percentage of business sales in California. This formula is referred to as a “single factor formula.” AB 1500 is an urgency bill and double-joined with AB 1501, which specifies that the proceeds from this taxation would be deposited in the Middle Class Scholarship Fund established in AB 1501.

Comments: The intent of AB 1500 is to raise taxes on out-of-state corporations and generate enough revenue to cut college tuition and fees by two-thirds for middle-income college students in California.

Status: AB 1500 failed on the Senate Floor.

Position: Support

AB 1501 (J. Perez) Budget Higher Education: Middle Class Scholarship Program

Summary: Assembly Bill 1501, the companion measure to AB 1500, provides a continuous annual appropriation of \$150 million to community college districts, distributed on a full-time equivalent student’s basis, to help defray college costs. It provides the community colleges with local discretion to allocate the funds to meet individual needs, including expanding the use of fee waivers or providing grants to cover the costs of books, transportation, or other educational expenses. The bill also provides that, commencing with the 2012-13 academic year, undergraduate students who attend UC and CSU and whose family annual incomes does not exceed \$150,000, are eligible to receive a scholarship that when combined with other financial aid awarded to the student would reduce by at least two-thirds, the amount charged for annual systemwide fees. AB 1501 can only be operative if AB 1500 also passes.

Status: AB 1501 was held on Senate Floor.

Position: Support

AB 1899 (Mitchell) Nonresident Tuition Exemption and Financial Aid Eligibility: Crime Victims

Summary: Assembly Bill 1899 requires that refugees admitted to the United States on a special “T” or “U” nonimmigrant status shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges. It also requires that they be eligible for all student financial aid programs and scholarships administered by a public postsecondary educational institution or the State of California. The “T” and “U” visas were developed for victims of human trafficking, domestic violence, and other serious crimes. To qualify for this particular nonimmigrant status, survivors are required to cooperate with law enforcement agencies to investigate and prosecute criminal activities.

Status: AB 1899 was signed by the Governor, Chapter 509, Statutes of 2012.

Position: Support

SB 1289 (Corbett) Private Student Loans

Summary: Senate Bill 1289 requires public and private postsecondary educational institutions, and requests participation from the community colleges, to make disclosures available to students regarding private student loans in financial aid materials and in private loan applications.

Status: SB 1289 was signed by the Governor, Chapter 623, Statutes of 2012.

SB 1356 (De Leon) Income Taxes: Credits for Contributions to Education Funds

Summary: Senate Bill 1356 would allow, for taxable years beginning on or after January 1, 2013, taxpayers to receive a tax credit for 65 percent of any contributions made to the newly established Higher Education Investment Tax Credit Program Special Fund. The bill would also provide taxpayers with an available tax credit worth up to 25 percent on federal returns. Contributions from the Tax Credit Fund would be directed to the California Student Aid Commission. The Senate Committee on Education recommended several amendments including language to ensure that these funds can be used to ensure that low-income students do not lose their eligibility for Cal Grant awards. SB 1356 was linked to SB 1466, also by Senator De Leon. After SB 1356 was held in committee, SB 1456 was amended to a bill on Los Angeles Police Officers.

Status: Senate Bill 1356 was held in the Assembly Appropriations Committee Suspense File.

Student Success and Transfer

AB 2001 (Bonilla) Pupil Assessment

Summary: Assembly Bill 2001 requires the Superintendent of Public Instruction (SPI) to develop plans to tie assessments for pupils in grades 7 to 12 to college and career readiness. The SPI is required to consult with the segments of public and private higher education, among others, to develop recommendations to the State Board of Education to strengthen alignment of assessments in grades 7-12 to college and career preparedness and develop a plan to expand and strengthen future early assessments programs such as the EAP. The SPI is also required to develop incentives to make assessment more meaningful to students.

Status: Assembly Bill 2001 passed the Assembly, but was held in the Senate Appropriation Committee Suspense File.

Position: Support

AB 2471 (Lara) Postsecondary Education: E-Textbooks

Summary: Assembly Bill 2471 requires community college districts, the CSU and requests the UC to adopt policies to prohibit the use of e-textbooks unless they are offered with a refund policy and offered with digital

rights management information (such as how long the consumer can access the e-textbook and how much material can be printed).

Status: Assembly Bill 2471 passed the Assembly Committee on Higher Education and was held in the Assembly Committee on Appropriations.

SB 721 (Lowenthal) State Goals for Higher Education

Summary: Senate Bill 721 establishes an overarching higher education accountability framework that includes statewide goals for higher education. The Legislative Analyst's Office (LAO) would be required to convene a working group which would include one representative from each segment of higher education, among others, to establish metrics, measure progress towards these goals, and report annually to the Legislature.

Status: Vetoed

Position: Support

SB 1052 (Steinberg) California Open Education Resources Council

Summary: Senate Bill 1052 establishes the California Open Education Resources Council (composed of three faculty senate members from each of the segments), which would determine a list of the 50 most popular lower division courses to develop into open source materials. The council would also establish a competitive request for proposal process in which interested parties can apply for funds to produce the 50 textbooks. Recent amendments provide that the council be placed under the administration of the Intersegmental Committee of the Academic Senate (ICAS).

Status: SB 1052 was signed by the Governor, Chapter 621, Statutes of 2012.

Position: Support

SB 1053 (Steinberg) California Digital Open Source Library

Summary: Senate Bill 1053 would establish the California Digital Open Source Library to house open source materials and provide free or low cost online access to these materials for students, faculty and staff. Recent amendments provide that the library be administered by California State University in coordination with the California Community Colleges Chancellor's Office and the University of California. Materials shall bear a creative commons attribution license. The bill states intent that the segments provide incentives to faculty to choose open source textbooks.

Status: SB 1053 was signed by the Governor, Chapter 622, Statutes of 2012.

Position: Support

SB 1062 (Liu) California Community Colleges: Board of Governors

Summary: SB 1062 would allow the Board of Governors to appoint a person without permanent civil service status to the classification of Career Executive Assignment (CEA) for the positions of Vice Chancellor or assistant Vice Chancellor, if the person meets specified education and relevant work experience requirements. The CEA classification currently can be used to fill Vice Chancellor positions, if the candidate has permanent civil service status, has worked in the Legislature, or Executive branch for a specified period of time.

Status: SB 1062 passed the Senate and the Assembly and was sent to the Governor, but was returned to the Assembly.

Position: Sponsor/Support

SB 1316 (Hancock) School Attendance: Early College High School

Summary: Senate Bill 1316 would allow Early College High Schools to draw down full ADA for 180 minutes as a minimum school day attendance requirement. It also allows Early College High School 11th and 12th grade students enrolled part-time in classes at the California State University or the University of California to be exempt from the 240 minute minimum school day requirement and instead meet a 180 minute minimum school day. Community College Early College High School students already are only required to meet the 180 minute minimum school day requirement. Currently, schools are only funded at 75% of their ADA for students who fall under the 180 minute minimum school day requirement.

Status: SB 1316 was signed by the Governor, Chapter 67, Statutes of 2012.

SB 1328 (De Leon) Postsecondary Education Textbooks

Summary: Senate Bill 1328 would originally have required publishers to provide information about textbooks in a specified order. Amendments taken June 26th, however, would have placed contractual restrictions and high costs onto campus bookstores in the development of faculty and student textbook search engines. Privacy concerns were also raised with requirements that bookstores provide purchasing information to outside companies.

Status: Senate Bill 1328 passed the Senate, and was held in the Assembly Committee on Higher Education. The bill was dropped by the author due to widespread opposition by the higher education community.

SB 1456 (Lowenthal) Student Success Act of 2012

Summary: Senate Bill 1456 is the “centerpiece” legislation resulting from the 2011 Student Success Task Force recommendations and is sponsored by the Board of Governors to help students meet their academic and career goals. The bill revises the Seymour-Campbell Matriculation Act of 1986 to reflect the recommendations of the Student Success Act of 2012. Specifically, the bill would target matriculation funds for student orientation, assessment, and education planning and require entering students at campuses receiving matriculation funds to participate in those services once approved by the BOG. The bill specifies that the BOG establish minimum satisfactory academic standards to retain eligibility for BOG Fee Waivers.

Status: SB 1456 was signed by the Governor, Chapter 624, Statutes of 2012.

Position: Sponsor/Support

SB 1539 (Corbett) Postsecondary Education Textbooks

Summary: Senate Bill 1539 would require textbook publishers to provide price and content comparison information to faculty at public and private higher education institutions to help them choose the least expensive textbook for students that meet their course needs. The bill also expands the definition of textbook products to include materials in digital or electronic formats.

Status: SB 1539 was signed by the Governor, Chapter 151, Statutes of 2012.

Position: Support

Veterans Issues

AB 2133 (Blumenfield) Veterans: Priority Registration and Resident Classification

Summary: AB 2133 extends the time period in which California Community Colleges, California State Universities, and Universities of California grant priority registration for enrollment of veterans to a four year period within 15 years of leaving state or federal active duty when they start their college education. This would apply to all degree and certificate programs offered by the California Community Colleges.

Status: AB 2133 was signed by the Governor, Chapter 400, Statutes of 2012.

Position: Support

AB 2462 (Block) Academic Credit for Prior Academic Military Experience

Summary: AB 2462 requires the Chancellor's Office to determine which courses credit should be awarded for prior military experience by July 1, 2015.

Status: AB 2462 was signed by the Governor, Chapter 440, Statutes of 2012.

Position: Support

AB 2478 (Hayashi) Student Residency Requirements: Veterans

Summary: AB 2478 amends the Education Code to exempt former members of the Armed Services from paying nonresident tuition at community colleges for one year after separation as long as the student files an affidavit with the community college stating that he or she intends to establish residency in California.

Status: AB 2478 was signed by the Governor, Chapter 405, Statutes of 2012.

Position: Support

AB 2534 (Block) Community Colleges: Veterans Career Technical Education Course Credit Pilot

Summary: AB 2534 requires the Chancellor's Office to establish a voluntary pilot program to authorize a community college district to identify and develop best practices for a statewide policy on awarding credit for experiential learning for veterans for credit, certificates, and associate degrees.

Status: AB 2534 passed the Assembly, but was held in the Senate Appropriations Committee.

Position: Support

ACR 159 (Gorell and Ma) Postsecondary Education: Military Veterans

Summary: ACR 159 encourages California Community Colleges, the California State University, and the University of California to consider and adopt the American Council on Education (ACE) credit recommendations to give veterans academic credit for academic instruction and experiential learning they gained while serving in the military.

Status: ACR 159 was Chaptered by the Legislature, Resolution Chapter 129.

Position: Support