

The background of the slide is a collage. On the left, the United States Capitol building is shown in a low-angle shot, with its iconic dome and classical columns. The right side of the image is dominated by the stars and stripes of the American flag. Scattered throughout the scene are several puzzle pieces of various shapes and colors (white, red, black), some of which are missing, creating a fragmented visual effect.

Legislation and Advocacy for Community Colleges: CCLC & ACCCA Take You Under the Dome

Lizette Navarette
Legislative Advocate, CCLC
and
Michelle McKay Underwood
Legislative Advocate, ACCCA

Phew...



Session is over!

2015 Was a Busy Legislative Year

- In 2015, 2,350 legislative measures were introduced and 941 bills were approved by the Legislature
 - Of those, 808 were signed into law by Governor Jerry Brown and 133 were vetoed
- Today we will review the bills signed into law by Governor Brown, look at bills vetoed by the Governor, and preview issues that we think will return in 2016
- We will start off with this year's top legislative priorities for CCLC and ACCCA





AB 288: Concurrent/Dual Enrollment

3



- **AB 288 provides a voluntary framework (for new or expanded programs) to offer dual enrollment for CTE, transfer, improving graduation rates, or college and career readiness**
- **Reduces fiscal penalties and policy barriers**
 - **Courses Taught at Colleges: 1) allow CCCs to assign priority registration, 2) maximum of 15 units per term if part of a program awarding both a diploma and an associate's degree, 3) no fees for high school students**
 - **Course Taught at the High School: 1) college courses offered during the regular school day are limited to high school students, 2) colleges can collect FTES**



AB 963: CalSTRS Membership Eligibility Resolution

4



- **AB 963 remedies membership issues for individuals in positions that the CalSTRS thinks were erroneously reported into its system**
 - **A big win for ACCCA, this bill holds harmless those employees who are currently in the CalSTRS system and were worried they would be audited out**
- **The bill also clarifies the definition of creditable service that can be reported to CalSTRS, to avoid a repeat of this problem going forward**



Notes



ACCREDITATION



AB 404 (Chiu, Chapter 623/2015): Accreditation

7

- **This statute directs the Board of Governors to conduct a survey of the community colleges to develop a report to the US Department of Education and the National Advisory Committee on Institutional Quality and Integrity**
- **Report expected to reflect a system-wide evaluation of the accrediting agency**
- **Includes consultation with representatives of both faculty and classified personnel**



PURCHASING



AB 653 (Levine, Chapter 366/2015): Community College Contracting Practices

9

- **This bill will permit community college districts to make purchases through existing UC or CSU contracts**
- **Specifically declares that nothing in either the Education Code or the Public Contract Code precludes a community college district from purchasing materials, equipment, supplies, or services under the same terms and conditions as are specified in a contract lawfully awarded by the UC or the CSU**



AFFORDABILITY



AB 798 (Bonilla, Chapter 633/2015): College Textbook Affordability Act

11

- **Creates the Open Educational Resources Adoption Incentive Fund (AIF) to provide incentives and reward the adoption of open educational resources (OER)**
- **Seeks to address the high cost of books – It is estimated that textbooks comprises 40% of the cost of attendance at community colleges**
- **Requires the local academic senate of a campus of CSU and CCC to:**
 - **(1) Adopt a local campus resolution**
 - **(2) Develop a plan to support faculty adoption of OER**
- **Campuses will be eligible for an initial AIF grant, and, for up to three years, receive a grant for meeting established performance benchmarks**



AB 1016 (Santiago, Chapter 437/2015): Student Transfer Achievement Reform Act

12

- **This bill requires the system Chancellor to report to the Legislature, on or before December 1, 2016, the status of each community college's compliance with the Student Transfer Achievement Reform (STAR) Act provisions related to creating associate degrees for transfer**
- **Additional report requirements will be placed on the CSU regarding student transfers under the STAR Act**
 - **Expect legislative pressure if districts and/or CSU are not meeting their expectations**



Notes



CAMPUS SAFETY



AB 767 (Santiago, Chapter 83/2015): Community Colleges Emergency Preparedness Standards

15

- **This bill adds to current community college emergency preparedness statutes a requirement that the Chancellor's Office review and update its emergency preparedness standards in consultation with the Office of Emergency Services by January 1, 2017**
- **Requires the Chancellor's Office to consider including an active shooter response plan to its existing emergency preparedness standards and guidelines**
- **AB 767 also requires the Chancellor's Office to review and update (as necessary) the emergency preparedness standards and guidelines every five years**



SB 186 (Jackson, Chapter 232/2015): College Districts: Removal, Suspension, or Expulsion

16

- This bill will authorize, but not mandate, the governing boards to remove, suspend, or expel a student for sexual assault or sexual exploitation, regardless of the victim's affiliation with the college, even if the offense is not related to college activity or attendance
- Expand the definition of "good cause" for purposes of suspension or expulsion
- Specifically, it:
 - Adds the offenses of sexual assault or sexual battery
 - Clarifies that the offenses must occur while the individual is enrolled as a student
 - Clarifies the continuing applicability of federal law



SB 707 (Wolk, Chapter 766/2015): Gun Free Zones

17

- **SB 707 deletes the exemption that allows a person holding a valid license to carry a concealed firearm to possess a firearm on the campus of a university or college**
- **This changes current law, which allows individuals who possess a valid concealed carry permit to carry a firearm on school campuses, including grade schools, high schools and college campuses**
 - **Current law allowing a security guard authorized to carry a loaded firearm does not change**
- **The new law does not apply to peace officers**



EMPLOYMENT



AB 304 (Gonzalez, Chapter 67/2015): Sick Leave Accrual and Limitations

19

- **AB 304 is urgency legislation to amend last year's "Sick Leave for All" legislation, AB 1522, and provides the following clarifications:**
 - **Clarifies the statute to specify that the employee must work in California for the same employer for 30 or more days within a year**
 - **Exempts CalPERS retirees**
 - **Provides three options for determining the pay rate for the sick leave usage when employees are earning different hourly rates**



AB 915 (Holden, Chapter 58/2015): Travel Restrictions on Injured Employees

20

- **AB 915 repeals the prohibition on out-of-state travel, unless approved by the board, for community college employees who are on industrial accident or illness leave and receiving workers' compensation**
- **Under current law, only the Education Code limits out-of-state travel for those employees while they are receiving the benefit**



SB 579 (Jackson, Chapter 802/2015): Expanded Sick Leave Purposes

21

- **This bill expands on the currently authorized reasons for which an employee can take job-protected time off of work to 1) find, enroll, or reenroll his or her child in a school or with a licensed child care provider, and 2) to address a child care provider or school emergency**
 - **Expands on the individuals authorized to take this time off to include a stepparent, foster parent or person who stands “in loco parentis” to a child**
 - **Prohibits an employer from denying sick leave or discriminating against an employee for attending to an illness or the preventive care of a family member**



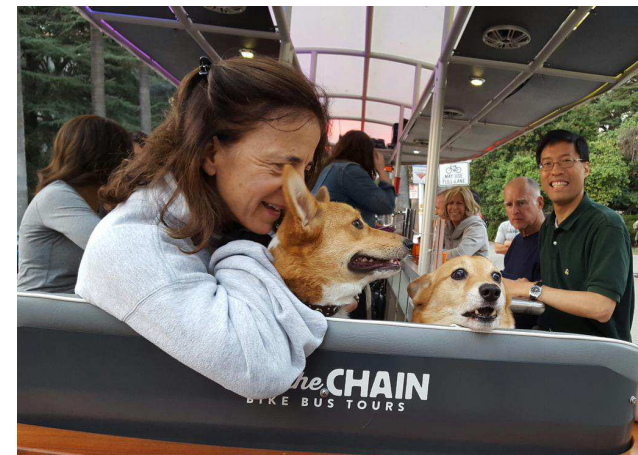
AB 375 (Campos, Chapter 400/2015) and AB 215 (Alejo, Chapter 240/2015)

22

- **Sometimes it's good to be the lesser-known half of the K-14 education world – the following new labor bills don't apply to community colleges:**
 - **AB 375 – Adds up to 12 weeks of differential pay to certificated employees who are absent due to maternity or paternity leave under the California Family Rights Act**
 - **AB 215 – Reduces the maximum cash settlement that may be paid to a school district superintendent upon termination from 18 times of that employee's monthly salary to 12 times of that employee's monthly salary**

Not all New Laws are Boring and Burdensome

- Some are about beer and bikes!
 - SB 530 (Pan, Chapter 496/2015) establishes a uniform set of rules and a standard of best practices for four-wheeled, pedal-powered “brew bike” vehicles where alcohol will be consumed on board



Not all New Laws are Boring and Burdensome

- Or beer and produce!
 - Following on the success of last year's law to allow for wine tasting at farmers' markets, AB 774 (Levine, Chapter 107/2015) allows beer sellers to conduct an “instructional tasting event on the subject of beer” for consumers at a farmers' market





Notes



GOVERNOR'S VETOES



“Not Every Human Problem Deserves a Law” – Governor Brown

27

- **Governor Brown signs the vast majority of legislatively approved bills into law**
- **But there are exceptions, and every veto is accompanied by a message explaining his rationale**
 - **He famously stated the above in a veto message for a bill that would have imposed criminal penalties on parents whose child skis or snowboards without a helmet**
- **Several vetoes came in the campus safety issue area**

Campus Safety Vetoes

- **AB 340 (Weber) would have required the higher education systems to generate a report once every legislative session that included specified information related to the segment's campus climate**
 - **“While I understand the desire to create a more vibrant, intellectually serious and inclusive campus environment at UC, CSU and the community colleges, each of their governing boards has already taken steps aimed at achieving these important goals. I believe the leaders of these institutions are committed to providing updates on current and future developments.”**



Campus Safety Vetoes

- **AB 967 (Williams) would have required each CCD to develop and implement a minimum standard of discipline for students found responsible for sexual assault and would have been required to report on the instances of sexual assault**
 - **“This bill, however, could deprive professionals from using their better judgment to discipline according to relevant circumstances. Moreover, it creates an expectation that the state should recommend minimum penalties for violations of specific campus policies...I don't think it is necessary at this point for the state to directly insert itself into the disciplinary and governing processes of all private nonprofit and public colleges in California.”**



Campus Safety Vetoes

- **AB 968 (Williams) would have required postsecondary educational institutions to note suspension or expulsion on a student's transcript for the period of time the student is ineligible to reenroll at the institution**
 - **“...community colleges already may deny or conditionally admit a student who has previously been expelled or is under expulsion proceedings. If further protection is needed to screen transfer applications, that is something best left to individual colleges themselves...I would caution against overcorrections that could result in some individuals being marked for the rest of their lives.”**



Higher Education Coordination Vetoes

- **SB 42 (Liu) would have created the Office of Higher Education Performance and Accountability under the Office of the Governor and established a six-member advisory board to review state priorities and advise on state higher education goals**
 - **“The goals established by SB 195...are still important measures that should guide us in developing higher education policies for the state. While there is much work to be done to improve higher education, I am not convinced we need a new office and an advisory board, especially of the kind this bill proposes, to get the job done.”**





Notes



POTENTIAL ISSUES FOR 2016



What can we expect in 2016?

Accreditation

“The 2015 Task Force on Accreditation was created to evaluate the current state of accreditation for the 113 colleges in the CCC system and to identify and recommend a course of action to best serve colleges today and in the future.”

- **Topic of extensive legislative interest that will be affected by state and federal interventions**



Accreditation – Bills Far in the Process

- **AB 1385 (Ting)**
 - Would prohibit the ACCJC from imposing a fee to pay for legal fees unless there has been an affirmative vote of the majority of the CEOs of all of CCC
- **AB 1397 (Ting)**
 - Would add composition, transparency, and appeals processes and requirements to the CCC accrediting agency. Status of both: Held in Senate Floor



Facilities

- **A \$9 billion K-14 facilities bond has qualified for the November 2016 ballot**
- **But the Administration has been unwilling to support additional statewide debt in this area and the CTA is concerned the initiative would pull votes from their Proposition 30 extension**
- **A smaller bond, potentially only funding K-12 schools, with a needs-based focus, is a potential alternative to a large scale bond based on the current facilities program**



Union Fees

- The *Friedrichs v. CTA* case addresses the constitutionality of nonmember “fair share” fees and fees used to fund political activities
- This case is on the docket of the U.S. Supreme Court in 2016
- In the final days of the 2015 legislative year, a proposal was being discussed that would grant union representatives 30 minutes with public employees to discuss the benefits of union membership
 - This mandatory union orientation proposal was nearly identical to one imposed on In-Home Support Services care providers earlier this year



Union Fees

- The proposal also would require existing contracts to be reopened for purposes of negotiating employer programs for current employees during which bargaining unit representatives can provide information on the benefits of union membership
- Governor Brown signaled he wasn't willing to take on this issue at the 11th hour
 - Expect a legislative effort to mitigate a potential Supreme Court decision that in part or in whole sides with the plaintiffs



Education Funding Adequacy

- **The K-14 education community is rightly concerned about the impending expiration of Proposition 30 (2012)**
- **As discussed this morning, two ballot initiatives have already been introduced to extend the personal income tax increases adopted through Proposition 30**
- **Also, Senate Constitutional Amendment (SCA) 5 would provide additional resources to community college and K-12 districts through more frequent commercial property assessments**



Part-Time Faculty

- **Several bills were introduced in 2015 to address part-time faculty issues:**
 - **SB 373 (Pan) proposed a cap on the number of part-time faculty for each CCD based on the 2014-15 fiscal year, thereby limiting new hires to only full-time faculty until the district reaches a 75% threshold of full-time faculty**
 - **AB 626 (Low) would have required CCDs to provide funding to increase their full-time/part-time faculty ratio and to increase support for part-time faculty**



Part-Time Faculty

- **AB 1010 would have required CCDs to have collective bargaining agreements with part-time faculty that include specified conditions of employment, including placement on a seniority list for assignments and evaluations at least once every six semesters**
- **Status: All three bills were held by the Legislature this year**
- **CFT has submitted a proposal for the Chancellor's Office to consider sponsoring legislation similar to AB 1010**
 - **From their process, the Chancellor's Office will present a legislative package to the BOG in November**



Early Childhood Education

- Aligned with a national push, California legislators are interested in expanding early childhood education (ECE)
- Transitional Kindergarten (TK) was created in 2010 to accompany an age eligibility change for kindergarten
- Since then, ECE proponents have sought to expand TK
 - Governor Brown has at times sought to eliminate it
 - But agreed to a moderate expansion to allow school districts to offer TK to four-year-olds, but no funding will be provided until the child turns 5 years old
- Alternatively, ECE proponents have pushed for additional preschool slots



Early Childhood Education

- The Legislature and Administration negotiated additional slots in the 2015-16 State Budget
- And included intent language to expand full-day, full-year preschool to all low-income children
- Approved by the Legislature, AB 47 (McCarty) proposed to provide all non-TK children with a year of preschool starting in June 2018
 - Governor Brown vetoed the measure
- For colleges with a preschool, more slots could allow for an expanded program
 - On the other hand, Proposition 98 has limited resources and new ECE programs could take resources away from existing K-14 programs



School-Based Medi-Cal Administrative Activities (SMAA)

- SMAA program reimburses districts for the federal share of certain costs for administering the Medi-Cal program:
 - Outreach and Referral
 - Facilitating the Medi-Cal Application
 - Arranging Non-Emergency/Non-Medical Transportation
 - Program Planning and Policy Development
 - MAA Claims Coordination
- Intended to support districts' activities necessary for the administration of the Medi-Cal program, the program has been in limbo since the federal government withheld district reimbursements beginning in 2012
 - Approximately half a billion dollars in reimbursable funds has not been paid to California districts





School-Based Medi-Cal Administrative Activities (SMAA)

46

- **SMAA remains an unresolved issue, legislators are seeking ways to streamline the claiming and auditing process for participating districts**
 - **A comprehensive solution would likely need to include two state agencies – Department of Health Care Service and Department of Education – and the federal Centers for Medicare and Medicaid, along with affected K-12 and community college districts**
 - **A tall order**

Financial Aid

- **Financial aid does not equitably serve community college students**
- **Building support for needed financial aid improvements:**
 - **Increase Cal Grant B Access Award Amount and Increase Number of Cal Grant Competitive Awards**
 - **Change Statutory Requirements of the Community Colleges Cal Grant Transfer Entitlement Program (E2)**
 - **Increase Cal Grant C Award Amount**



Workforce

- **The Strong Workforce Task Force has 25 recommendations, many of which require statutory changes**
- **Expect several bills, both sponsored and not sponsored by the BOG**
- **Possibilities include:**
 - **Clean-up bill - Aligning Economic & Workforce Development (EWD) program accountability metrics to that of the federal Workforce Opportunities & Innovation Act (WIOA)**
 - **Single-Course Approval**
 - **Differential Funding**





2016 will be busy – better rest up!