

What's Going On?

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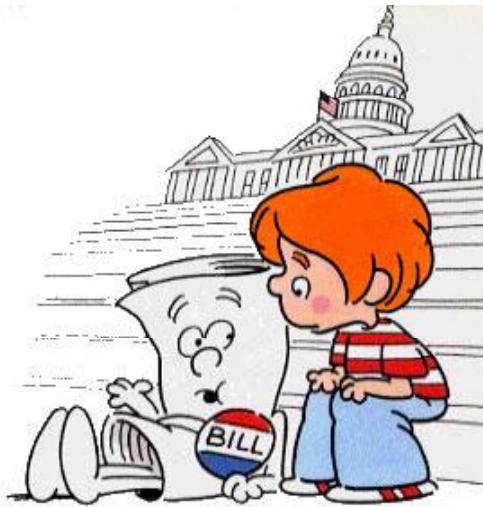
- Each year, thousands of bills are introduced, which may impact your college
 - Hundreds amend the Education Code
 - Others affect health and the well-being of students, families, and employees
- Actions of the Administration and state agencies may also impact your college





The Legislative Process

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2011 Legislative Issues

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- Chaptered Bills
 - High-Profile Bills
 - Finance
 - Facilities
 - Collective Bargaining
- Vetoed Bills
- Hot Topics for 2012
 - Pension Reform
 - Student Success Task Force
- Ghosts of Bills Past





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High-Profile Bills

- Assembly Bill (AB) 130 (Chapter 93/2011) allows AB 540 students to be eligible to receive a scholarship that is derived from nonstate funds
- AB 131 (Chapter 604/2011) expands eligibility for financial aid, beginning January 1, 2013, to AB 540 students
- AB 194 (Chapter 458/2011) requires community colleges to give priority in enrollment in classes to any foster youth or former foster youth



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High-Profile Bills

- AB 684 (Chapter 614/2011) allows districts to change election systems, including moving from at-large to trustee area, without voter approval
- AB 743 (Chapter 615/2011) requires the Chancellor's Office to establish a common assessment system to be used for the purposes of placement and advisement
- AB 1029 (Chapter 112/2011) extends local district authority to approve stand-alone courses until January 1, 2014



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High-Profile Bills

- AB 1056 (Chapter 620/2011) requires the Chancellor's Office, contingent upon funding, to implement a procedure to facilitate the electronic transmission of student transcripts
- Senate Bill (SB) 8 (Chapter 247/2011) expands the application of the Public Records Act to auxiliary organizations, while essentially protecting the identity of donors
- SB 813 (Chapter 375/2011) extends priority registration enrollment for veterans at the California Community Colleges (CCC) from two to five years



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Finance

- Assembly Bill 32 of the First Extraordinary Session (ABX1 32, Chapter 15/2011) postpones the \$10 per unit fee increase from the winter term of the 2011-12 academic year to summer 2012, if trigger cuts are engaged
 - Senate Bill 6 of the First Extraordinary Session (SBX1 6, Committee on Budget and Fiscal Review) also contained the fee delay provision and would have required the Department of Finance to inform the Legislature of the specific reductions that would be made under the current trigger language, ahead of the current schedule



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Finance

- Also would have required the Director to work with Legislative leaders to provide alternative State Budget solutions to those reductions
 - In his veto message, Governor Jerry Brown asked, "Why would we undermine the [State Budget] that has earned widespread respect and helped stabilize California's finances?"
- SB 349 (Chapter 703/2011) removes the \$500 late reporting penalty for the defined benefit and cash balance benefit programs
 - Leaves the regular interest penalty, if reporting is not done within the new time frames
 - Also leaves the late remittance penalty for column movement
 - Regulations become effective July 1, 2012



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Facilities

- SB 293 (Chapter 700/2011) prohibits retention proceeds from exceeding 5% of payment for contracts entered into on or after January 1, 2012
- SB 774 (Chapter 245/2011) authorizes a district to increase parking fees charged to students and employees to a maximum of \$50 per semester
 - Also provides for annual increases to the limit



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Collective Bargaining

- AB 501 (Chapter 674/2011) expands the definition of exclusive representative and public school employer to include:
 - Specified auxiliary organizations established by community colleges
 - Joint powers agencies that are comprised solely of school agencies (with exceptions)
- SB 857 (Chapter 539/2011) specifies that the Public Employment Relations Board has no authority to award strike-preparation expenses as damages or to award damages for costs, expenses or revenue losses incurred as a result of an unlawful strike



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Vetoed Bills

- AB 91 (Portantino, D-Pasadena) would have required the Chancellor's Office to establish a voluntary pilot program to increase student participation in state and federal financial aid programs
 - "This is a matter each community college can handle on its own," said Governor Brown
- AB 288 (Fong, D-Mountain View) would have allowed the Board of a community college district to deny admission to someone expelled from another district within the previous five years
 - "I invite . . . a more flexible and cost-effective approach to enable districts to share critical information about student expulsions," according to Governor Brown's veto message



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Hot Topics for 2012 – Pension Reform

- AB 340 (Furutani, D-Long Beach) formed a conference committee on pension reform
 - Committee members recently named: Assembly Members Michael Allen (D-Santa Rosa), Warren Furutani, and Jim Silva (R-Huntington Beach); Senators Gloria Negrete McLeod (D-Chino), Joe Simitian (D-Long Beach), and Mimi Walters (D-Palo Alto)
 - First hearing is tomorrow, October 26
- SB 27 (Simitian) would have made many changes, including:
 - Pension spiking prevention audits
 - Eliminating a “class of one” for State Teachers’ Retirement System members
 - 180-day waiting period after retirement to return to work



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Hot Topics for 2012 – Pension Reform

- AB 89 (Chapter 390/2011), before it was “gutted and amended,” would have placed a hard cap of the limitation in Internal Revenue Code Section 401(a)(17) – currently \$245,000 – on the amount of compensation used to determine the retirement benefit
- Numerous initiatives have been filed regarding pension reform
 - Initiative #11-0020: “Eliminates Collective Bargaining Rights for Teachers, Nurses, Police Officers, Firefighters, and Other Public Employees”
 - As the title says, it would eliminate collective bargaining in the public sector



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Hot Topics for 2012 – Pension Reform

- Initiative #11-0021: “Increases Income Taxes on Teachers, Nurses, Police Officers, Firefighters, and Other Public Employees for Pension Income”
 - Would assess a 15% surcharge of state income tax on pensions over \$100,000 per year
 - And a 25% surcharge for pensions over \$150,000 per year
- Initiative #11-0022: “Increases Retirement Age for Teachers, Peace Officers, and Other Public Employees”
 - Full retirement benefits would not be attained until age 65, or age 58 for public safety members



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Hot Topics for 2012 – Pension Reform

- Initiative #11-0026: “Reduces Pension Benefits for Public Employees. Creates a New State Retirement System for Private Sector Employees.”
 - Would limit pension benefit payouts based on the solvency level of the retirement plan
 - Would limit base pay (for new and reinstated public employees) that counts toward final compensation to \$100,000
 - Would make the minimum retirement age 59½



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Hot Topics for 2012 – Pension Reform

- Initiative #11-0032: “State and Local Government Officials. Retirement Benefits.”
 - Would apply the same pension and postemployment health benefits to “politicians” according to the most restrictive rules that apply to any subordinate employee
 - Would limit benefit calculation to the three-year average base salary
 - And appears to require a vote of the citizens in that jurisdiction to approve the base salary
 - The definition of “politician” includes “appointed government administrator(s),” which leaves this wide open to interpretation as to whom it would apply
 - Not clear whether it would apply to local educational agencies



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Hot Topics for 2012 – Student Success Task Force

- Some recommendations require amendments to statutes:
 - To require students receiving Board of Governors fee waivers to meet various conditions and requirements
 - To reflect that apportionments may only be claimed if scheduled courses are part of student education plans
 - To mandate the use of professional development to address state objectives
 - To consolidate categorical programs



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Hot Topics for 2012 – Student Success Task Force

- To establish and provide dedicated funding for an alternative funding model to encourage innovation in the delivery of basic skills instruction
- To strengthen the CCC system office
- Chancellor's Office is delaying putting together a 2012 legislative package until the recommendations are brought to the Board of Governors
 - December 2011 or January 2012



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The Ghosts of Bills Past

- Concurrent Enrollment Partnerships (AB 160, Portantino)
 - Exempt from the 5% limit on the number of high school pupils who can enroll in summer courses
 - Exempt from the requirement that a pupil receive authorization from the school district
- Property Tax Backfill (AB 285, Furutani) requires automatic adjustments in apportionments for the CCC when actual property tax revenues fall short
- Enrollment Growth Funding (AB 478, Hernandez, D-Baldwin Park) would lift the unemployment rate cap used in calculating enrollment growth funding



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The Ghosts of Bills Past

- Extension Program Expansion (AB 515, Brownley, D-Santa Monica) allows eight community college campuses to establish and maintain an extension pilot program offering credit courses at fee levels that cover actual cost
- Baccalaureate Degree Pilot Program (AB 661, Block, D-San Diego) authorizes the Grossmont-Cuyamaca and the San Mateo Community College Districts to offer baccalaureate degrees
- Right of First Refusal (AB 852, Fong), temporary community college faculty would have the right of first refusal for assignments subject to any greater rights in a collective bargaining agreement



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The Ghosts of Bills Past

- Academic Salary Schedules for Part-Time Faculty (SB 114, Yee, D-San Francisco) authorizes part-time faculty to be placed on a salary schedule that mirrors the same relationship to the placement of full-time faculty on the schedule
- Consulting Prohibition (SB 931, Vargas, D-San Diego), before being “gutted and amended”, would have prohibited the use of public funds to pay consultants and legal advisors on ways to minimize or deter the exercise of union rights
- Parcel Tax Vote Threshold (Senate Constitutional Amendment 5, Simitian) would allow community college districts, school districts, or county offices of education to impose a parcel tax by a 55% vote of the voters, instead of the current two-thirds vote requirement



**YOUR MISSION . . . SHOULD
YOU CHOOSE TO
ACCEPT IT . . .**



Understanding the Legislative Process and Calendar

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- Two annual calendars
 - Legislative calendar
 - State Budget calendar
- Plan ahead if you want to impact either process
 - Bill introduction deadline and Budget requests begin in the fall prior to when the Legislature is in session





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Establish Relationships

- Develop positive relationships with local legislators
 - Learn legislators' backgrounds and legislative interests
 - Invite to campuses, district events
 - Get to know staff, communicate regularly
 - Don't wait until you need their votes
- You are the expert
- Educate legislators and staff on key issues, for example:
 - Student and community needs and challenges
 - Fiscal condition of the district
 - The need to recruit and retain qualified staff
- Help your legislators represent you



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One Size May Not Fit All

- A good idea for one district may be bad for another
- Response may include:
 - Narrow scope of the bill
 - Seek an exemption from the legislation
 - "Kill" the bill
 - Seek positive interpretation through regulatory process
 - Change the law
- Unintended consequence
 - State Budget Trigger \$10 fee increase



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Getting Involved

- Become familiar with the legislative process
- Every year, thousands of laws pass that impact someone
- Finding out who is behind a bill tells a lot about the intent
- Have someone within the district or hire a professional advocate to monitor bills and avoid surprises
- If you've missed a bad bill, live with it or attempt to change it
 - Try administrative remedy first
 - Research legislative intent
 - Develop compelling argument
 - Find an author
 - Draft legislation
 - Gather support and work with opposition



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How to Stay Informed

- Information sources for what's happening
 - Print and TV coverage
 - Chancellor's Office
 - Statewide membership organizations
 - www.accca.org, www.acbo.org
 - Legislative websites
 - www.sen.ca.gov, www.assembly.ca.gov, www.leginfo.ca.gov
 - Other organizations
 - Capital Track
 - www.ccleague.org
 - www.sscal.com