

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE MAY 19, 2005

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 672

**Introduced by Senator Cox
(Coauthors: Senators Romero, Scott, and Torlakson)**

February 22, 2005

An act to amend Section 84810.5 of the Education Code, ~~and to amend Section 10340 of the Public Contract Code~~, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 672, as amended, Cox. Community colleges: inmate education programs: computation of apportionments: ~~contracts~~.

~~(1) Existing law~~

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges.

Existing law provides that, notwithstanding open course provisions in statute or regulations of the board of governors, the governing board of a community college district that provides classes for inmates of certain facilities, including a federal correctional facility, may include the units of full-time equivalent ~~student~~ *students* generated in those classes for purposes of state ~~apportionment~~ *apportionments*.

This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for any governing board of a community college district that provides those classes for inmates, including ~~also~~ inmates of state correctional facilities, and would authorize the board of governors to include the

units of full-time equivalent students generated in those classes for purposes of state ~~apportionment~~ *apportionments*.

Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

This bill would make revisions to that method of computation.

The bill would prohibit a community college district from claiming, under the bill, for purposes of ~~apportionment~~ *apportionments*, any class for which a district receives full compensation for its direct education costs for the conduct of the class from any public or private agency, individual, or group of individuals, and any class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement.

~~(2) Existing law requires a state agency to secure at least 3 competitive bids or proposals for each contract for the procurement of materials, supplies, equipment, or services, except under certain circumstances, including a contract between a state agency and a foundation organized to support the Board of Directors of the California Community Colleges.~~

~~This bill would provide that, for the purposes of this provision, a foundation organized to support the Board of Governors of the California Community Colleges is deemed to be a public agency.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84810.5 of the Education Code is
2 amended to read:
3 84810.5. (a) Open course provisions in statute or regulations
4 of the board of governors shall be waived for any governing
5 board of a community college district that provides classes for
6 inmates of any city, county, or city and county jail, road camp,
7 farm for adults, or state or federal correctional facility. This
8 section shall not be construed to authorize the waiver of open
9 course provisions in any context or situation other than those that
10 are specifically authorized in this section. The board of governors
11 may include the units of full-time equivalent ~~student~~ *students*

1 (FTES) generated in those classes for purposes of state
2 apportionment. The attendance hours generated by credit or
3 noncredit shall be added and counted for apportionment
4 purposes.

5 (b) Notwithstanding any other provision of law, no funds for
6 inmate education programs provided pursuant to this section
7 shall be considered as part of the base revenues for community
8 college districts in computing apportionments as prescribed in
9 regulations of the board of governors. When computing
10 apportionments for districts that provided inmate education
11 programs in the 2004-05 fiscal year, the student workload
12 measures generated and revenues received for that year shall be
13 added to their noncredit base revenue and noncredit base
14 workload measures for the following year.

15 (c) No community college district may claim for purposes of
16 state apportionment under this section any class to which either
17 of the following applies:

18 (1) The district receives full compensation for its direct
19 education costs for the conduct of the class from any public or
20 private agency, individual, or group of individuals.

21 (2) The district has a contract or instructional agreement, or
22 both, for the conduct of the class with a public or private agency,
23 individual, or group of individuals, that has received from
24 another source full compensation for the costs the district incurs
25 under that contract or instructional agreement.

26 (d) This section shall not be construed as providing a source of
27 funds to shift, supplant, or reduce the costs incurred by the
28 Department of Corrections in administering inmate education
29 programs.

30 ~~SEC. 2. Section 10340 of the Public Contract Code is~~
31 ~~amended to read:~~

32 ~~10340. (a) Except as provided by subdivision (b), state~~
33 ~~agencies shall secure at least three competitive bids or proposals~~
34 ~~for each contract.~~

35 ~~(b) Three competitive bids or proposals are not required in any~~
36 ~~of the following cases:~~

37 ~~(1) In cases of emergency where a contract is necessary for the~~
38 ~~immediate preservation of the public health, welfare, or safety, or~~
39 ~~protection of state property.~~

1 ~~(2) When the agency awarding the contract has advertised the~~
2 ~~contract in the California State Contracts Register and has~~
3 ~~solicited all potential contractors known to the agency, but has~~
4 ~~received less than three bids or proposals.~~

5 ~~(3) (A) The contract is with another state agency, a local~~
6 ~~governmental entity, an auxiliary organization of the California~~
7 ~~State University, an auxiliary organization of a California~~
8 ~~community college, a foundation organized to support the Board~~
9 ~~of Governors of the California Community Colleges, or an~~
10 ~~auxiliary organization of the Student Aid Commission~~
11 ~~established pursuant to Section 69522 of the Education Code.~~
12 ~~These contracts, however, may not be used to circumvent the~~
13 ~~competitive bidding requirements of this article.~~

14 ~~(B) For the purposes of this section, a foundation organized to~~
15 ~~support the Board of Governors of the California Community~~
16 ~~Colleges, as referenced in subparagraph (A), shall be deemed to~~
17 ~~be a public agency.~~

18 ~~(4) The contract meets the conditions prescribed by the~~
19 ~~department pursuant to subdivision (a) of Section 10348.~~

20 ~~(5) The contract has been awarded without advertising and~~
21 ~~calling for bids pursuant to Section 19404 of the Welfare and~~
22 ~~Institutions Code.~~

23 ~~(6) Contracts entered into pursuant to Section 14838.5 of the~~
24 ~~Government Code.~~

25 ~~(7) Contracts for the development, maintenace,~~
26 ~~administration, or use of licensing or proficiency testing~~
27 ~~examinations.~~

28 ~~(e) Any agency which has received less than three bids or~~
29 ~~proposals on a contract shall document, in a manner prescribed~~
30 ~~by the department, the names and addresses of the firms or~~
31 ~~individuals it solicited for bids or proposals.~~