

AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY MAY 10, 2011  
AMENDED IN ASSEMBLY APRIL 27, 2011  
AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 515**

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**Introduced by Assembly Member Brownley  
(Coauthor: Assembly Member Smyth)**

February 15, 2011

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An act to add and repeal Section 78302 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 515, as amended, Brownley. Public postsecondary education: community colleges: extension program.

Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The governing board of any community college district is authorized, without approval of the board of governors, to establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical, and general education, as specified.

~~This bill would authorize the governing board of any community college district, without approval of the board of governors, to establish and maintain an extension program offering credit courses~~ *establish the California Community Colleges Extension Pilot Program to permit the governing board of a community college district that meets specified*

*requirements to establish and maintain an extension program offering credit courses.*

The bill would ~~specify that the courses be required to require an extension program to, among other things, be self-supporting, open to the public, and developed and conducted in conformance with specified statutory and regulatory guidelines. No~~ *The bill would require the Office of the Chancellor of the California Community Colleges to determine whether an extension program meets specified requirements and to annually review extension programs. The bill would require that governing boards not expend any General Fund moneys—would be expended to establish or and maintain the courses except program revenues generated by these provisions. The bill would prohibit districts from allowing extension credit courses to supplant courses funded with state apportionments and from reducing certain state-funded course sections with the intent of reestablishing those course sections as part of an extension program, and would require district boards to annually certify compliance with these prohibitions, as specified. The bill would also prohibit extension credit courses from being conducted in a manner that supplants the use of district instructional space for courses funded with state apportionments.*

This bill would allow community college districts to ~~charge students for~~ *establish fees not to exceed the actual costs of the courses, as defined, and would require administrative costs to be minimized to the greatest extent possible. The bill would also require state and federal financial aid to be available to eligible students participating in the program and would require a district governing board to provide for fee waivers, as specified.* Each participating district would be required to collect and keep records relating to the extension program and submit them, *and a schedule of course fees, to the chancellor's office chancellor* by October 1 of each year. This information would, in turn, be submitted by the chancellor to the Legislative Analyst by November 1 of each year. The bill would require the Legislative Analyst to submit a written report *on the pilot program* to the Legislature by ~~November~~ *January* 1, 2015, summarizing the information provided by the chancellor, assessing compliance of the program with the Legislature's intent, and suggesting any needed statutory improvements.

The bill would make the requirement for a report to the Legislature inoperative on ~~January 1, 2019~~ *July 1, 2016*. This act would remain in effect *operative* only until ~~January 1, 2019,~~ *July 1, 2016*, unless that date is deleted or extended.

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 78302 is added to the Education Code,  
2 to read:  
3 78302. (a) ~~The governing board of any community college~~  
4 ~~district may, without the approval of the Board of Governors of~~  
5 ~~the California Community Colleges, establish and maintain an~~  
6 ~~extension program offering credit courses. *California Community*~~  
7 ~~*Colleges Extension Pilot Program is hereby established to permit*~~  
8 ~~*the governing board of a community college district that meets the*~~  
9 ~~*requirements of this section to establish and maintain an extension*~~  
10 ~~*program offering course credits.*~~  
11 (b) ~~An~~ *A community college district may establish and maintain*  
12 *an extension program offering credit courses established under*  
13 ~~this section shall have the following characteristics: if the program~~  
14 *meets all of the following requirements:*  
15 (1) The program shall be self-supporting, and all costs associated  
16 with the program shall be recovered.  
17 (2) Program enrollment shall be open to the public.  
18 (3) The program shall be developed in conformance with the  
19 provisions of the Education Code and Title 5 of the California  
20 Code of Regulations governing community college credit courses  
21 *and shall be subject to annual review by the chancellor pursuant*  
22 *to paragraph (2) of subdivision (c).*  
23 (4) The provisions of Section 87482.6 ~~providing that, which~~  
24 *requires community college districts to make progress toward 75*  
25 *percent of the hours of credit instruction should be being taught*  
26 *by full-time instructors, shall apply to extension programs offering*  
27 *credit classes established under this section.*  
28 (5) Program revenues; and program expenditures conforming  
29 to the current expense of education as defined by subdivision (c)  
30 of Section 84362, shall be included by the district in complying  
31 with subdivision (d) of Section 84362, which requires that 50  
32 percent of the district's current expense of education to be  
33 expended during each fiscal year for payment of salaries of  
34 classroom instructors.

- 1 (6) The program shall be subject to district collective bargaining  
 2 agreements.
- 3 (c) *The chancellor’s office shall do both of the following:*
- 4 (1) *Determine whether a community college district’s extension*  
 5 *program meets the requirements specified in subdivision (b).*
- 6 (2) *Annually review extension programs established pursuant*  
 7 *to this section.*
- 8 (e)
- 9 (d) Governing boards shall not expend any General Fund  
 10 moneys to establish and maintain extension courses other than  
 11 program revenues generated under this section.
- 12 (d)
- 13 (e) (1) Extension credit courses shall not supplant courses  
 14 funded with state apportionments. Districts shall not reduce  
 15 state-funded course sections needed by students to achieve basic  
 16 skills, workforce training, or transfer goals, with the intent of  
 17 reestablishing those course sections as part of the extension  
 18 program. ~~District boards of governors shall annually certify~~  
 19 ~~compliance with this subdivision by board action taken at a regular~~  
 20 ~~session of the district governing board.~~
- 21 (2) *Districts receiving a stability adjustment to their*  
 22 *apportionment funding shall not offer an extension program.*
- 23 (3) *Thirty days in advance of each session, a district maintaining*  
 24 *an extension program under this section shall submit a list of the*  
 25 *extension courses that they will be offering to the chancellor’s*  
 26 *office.*
- 27 (4) *The chancellor shall monitor compliance with this*  
 28 *subdivision as part of the annual review conducted pursuant to*  
 29 *paragraph (2) of subdivision (c).*
- 30 (5) *The governing board of a district maintaining an extension*  
 31 *program under this section shall annually certify compliance with*  
 32 *this subdivision by board action taken at a regular meeting of the*  
 33 *board.*
- 34 (e)
- 35 (f) Extension credit courses shall not be conducted in district  
 36 instructional space in a manner that supplants the use of district  
 37 instructional space for courses funded with state apportionments.
- 38 (g) *Students completing extension courses through the pilot*  
 39 *program shall be limited to applying no more than 24 semester*  
 40 *units to an associate or transfer degree from a California*

1 *Community College. Students shall be limited to obtaining a*  
2 *maximum of 12 credit units per semester in an extension program,*  
3 *excluding career technical education courses.*

4 ~~(f)~~

5 *(h) (1) Governing boards may ~~charge students enrolled in~~*  
6 *~~extension courses a fee~~ establish fees not to exceed the actual cost*  
7 *of maintaining extension courses. Actual costs shall include the*  
8 *actual cost of instruction, the cost of necessary equipment and*  
9 *supplies, student services and institutional support costs, and other*  
10 *costs of the district used in calculating the costs of education ~~for~~*  
11 *~~nonresident students~~, as provided for in Article 9 (commencing*  
12 *with Section 76140) of Chapter 1 of Part 27. To the greatest extent*  
13 *possible, districts shall minimize the costs of administration.*

14 *(2) The chancellor may establish a fee limit subsequent to the*  
15 *first annual review conducted pursuant to paragraph (2) of*  
16 *subdivision (c).*

17 *(3) It is the intent of the Legislature that surplus seats in*  
18 *extension courses that are not filled by students participating in*  
19 *the extension program be made available to all community college*  
20 *students at a cost no higher than the amount of the fee prescribed*  
21 *by Section 76300.*

22 *(4) Notwithstanding this subdivision, fees for nonresident*  
23 *students participating in an extension program may be established*  
24 *in conformance with Article 9 (commencing with Section 76140)*  
25 *of Chapter 1 of Part 27.*

26 *(i) Each campus maintaining an extension program under this*  
27 *section shall ensure that state and federal financial aid is available*  
28 *to eligible students who participate in the program. Students*  
29 *receiving financial aid for this program shall receive the same*  
30 *priority for enrollment as students not receiving financial aid.*

31 *(j) To maximize student access, a district governing board*  
32 *maintaining an extension program under this section shall develop*  
33 *policies through which fees shall be waived in full or in part,*  
34 *consistent with subdivisions (d) and (h). It is the intent of this*  
35 *section to maximize student access to extension courses for credit,*  
36 *regardless of student enrollment type or student income level, as*  
37 *a result of the use of financial aid and enrollment fee waivers.*

38 ~~(g)~~

39 *(k) Degree credit courses offered as extension courses shall*  
40 *meet all the requirements, standards, and criteria for courses in*

1 subdivision (a) of Section 55002 of Title 5 of the California Code  
2 of Regulations, *including, but not limited to, all criteria and*  
3 *procedures as prepared, distributed, and maintained by the*  
4 *chancellor.*

5 ~~(h)~~

6 *(l)* (1) Each community college district maintaining an extension  
7 program ~~offering credit courses~~ under this section shall collect and  
8 keep records that measure student participation, student  
9 demographics, and student outcomes in a manner consistent with  
10 measures collected by districts in regular credit programs supported  
11 through state apportionment, including an analysis of program  
12 effects, if any, on district workload and district financial status.  
13 Districts shall submit this information to the ~~chancellor's office~~  
14 *chancellor* by October 1 of each year. For districts operating more  
15 than one college, the evaluation shall be for each participating  
16 college.

17 *(2) Each community college district maintaining an extension*  
18 *program under this section shall submit a schedule of course fees*  
19 *to the chancellor by October 1 of each year.*

20 ~~(2)~~

21 *(3)* The chancellor shall submit all district information provided  
22 pursuant to ~~paragraph (1)~~ *paragraphs (1) and (2)* to the Legislative  
23 Analyst by November 1 of each year. By January 1, 2015, the  
24 Legislative Analyst shall submit to the Legislature a written report  
25 *on the pilot program* that includes a summary of the information  
26 provided pursuant to ~~paragraph (1)~~ *paragraphs (1) and (2)*, an  
27 assessment of the extent to which community college extension  
28 programs are operated in a manner consistent with legislative  
29 intent, and suggestions to the Legislature for needed statutory  
30 improvements.

31 ~~(i)~~

32 *(m)* The requirement for submitting a report imposed under  
33 ~~paragraph (2)~~ *(3)* of subdivision ~~(h)~~ *(l)* is inoperative on ~~January~~  
34 ~~1, 2019~~ *July 1, 2016*, pursuant to Section 10231.5 of the  
35 Government Code.

36 ~~(j)~~

37 *(n)* A report submitted pursuant to subdivision ~~(h)~~ *(l)* shall be  
38 submitted in compliance with Section 9795 of the Government  
39 Code.

1 ~~(k) This section shall remain in effect only until January 1, 2019,~~  
2 ~~and as of that date is repealed, unless a later enacted statute, that~~  
3 ~~is enacted before January 1, 2019, deletes or extends that date.~~

4 *(o) This section shall become inoperative on July 1, 2016, and,*  
5 *as of January 1, 2017, is repealed, unless a later enacted statute,*  
6 *that becomes operative on or before January 1, 2017, deletes or*  
7 *extends the dates on which it becomes inoperative and is repealed.*

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