

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN ASSEMBLY MAY 16, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 955

Introduced by Assembly Member Williams

February 22, 2013

An act to add and repeal Article 2.3 (commencing with Section 78230) of Chapter 2 of Part 48 of Division 7 of Title 3 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as amended, Williams. Community colleges: intersession extension programs.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Under existing law, community college districts are established throughout the state and authorized to maintain campuses and provide instruction to students.

This bill would, until January 1, 2020, authorize the ~~governing board of~~ *Office of the Chancellor of the California Community Colleges* to establish a voluntary pilot program for purposes of authorizing a community college district, ~~meeting specified requirements~~, to establish and maintain, ~~without the approval of the Board of Governors of the California Community Colleges~~, an extension program meeting specified

characteristics during summer and winter intersessions. The bill would ~~prohibit~~ *authorize* the governing board of a community college district to ~~expend moneys from the General Fund to establish and maintain the extension program.~~ The bill would require a community college district ~~maintaining the extension program to make every effort to encourage broad participation in the program and support access for students eligible for Board of Governors fee waivers~~ *apply for selection to participate in the pilot program.* The bill would require the chancellor to ~~select no more than 15 campuses that satisfy specified requirements for participating in the pilot program.~~ The bill would require a community college district ~~that establishes and maintains the extension participating in the pilot program~~ to collect and keep specified records related to the program and to submit, by October 1 of each year, to the Office of the Chancellor of the California Community Colleges information contained in those records. The bill would require the chancellor, by November 1 of each year, to submit to the Legislative Analyst's Office the information submitted by the community college districts. The bill would require the Legislative ~~Analyst~~ *Analyst's Office*, by January 1, 2017, to submit to the Legislature a written report that includes ~~a summary of the information provided, an assessment of the operation of the extension programs, and suggestions for improvements~~ *specified information regarding the pilot program.*

This bill would state the intent of the Legislature that at least one campus of the California Community Colleges should begin implementation of the pilot program by January 2014 and that an additional 5 campuses should implement the pilot program by July 1, 2014.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California's economy increasingly demands highly educated
- 4 workers, yet the supply of college graduates will not keep up with
- 5 demand. In 2010, President Obama recognized this crisis by calling
- 6 on the nation's community colleges to produce an additional five
- 7 million graduates by 2020.

1 (b) The Public Policy Institute of California has warned that by
2 2025, California will need an additional one million workers with
3 a baccalaureate degree to meet the state’s workforce needs.

4 (c) The United States Bureau of Labor Statistics projects that
5 occupations that require an associate degree will grow by 19
6 percent through 2018, and persons with two-year degrees are 30
7 percent more likely to be employed and earn higher wages than
8 those with only high school diplomas.

9 (d) The California Community Colleges are uniquely positioned
10 to provide a higher education for millions of Californians and are
11 critical to the state’s ability to meet its workforce needs.

12 (e) The California Community Colleges are experiencing record
13 demand for access to classes and programs that provide students
14 with the skills and education they need to enter the workforce and
15 prepare for the jobs of the future. However, funding for the
16 California Community Colleges has been cut by more than \$800
17 million since 2008, affecting student access and completion.

18 (f) According to the Public Policy Institute of California, these
19 budget cuts have resulted in almost 100,000 fewer course offerings,
20 the loss of access for 600,000 students, course waiting lists for
21 500,000 students, and the reduction of summer intersession course
22 offerings, which may slow the completion rates for some students,
23 as well as reduce the earnings for some faculty and staff.

24 (g) The lack of community college course offerings has led
25 many students to enroll in for-profit institutions, which are more
26 expensive than community colleges.

27 (h) The lack of courses during summer intersessions has had a
28 serious impact on veterans who must be enrolled in courses to
29 access housing benefits to which they are entitled through the
30 Post-9/11 Veterans Educational Assistance Act of 2008 (Public
31 Law 110-252), otherwise known as Post-9/11 GI Bill.

32 (i) Reduced access to summer intersessions also affects students
33 who wish to make progress toward their goals during the summer,
34 particularly those students who need only a course or two to
35 complete their goals but have been crowded out of those courses
36 during the regular academic session.

37 (j) Extension of programs in summer and winter intersessions
38 will give students an opportunity to take the courses they are not
39 able to enroll in during the state-supported regular session to

1 accelerate the completion of their goals, whether transfer, degree,
2 or certificate.

3 (k) By providing additional opportunities for students to
4 complete high-demand courses, spaces should be freed up in the
5 state-supported courses offered during the regular session,
6 increasing all students’ ability to complete their education in a
7 timely manner.

8 (l) Participating community college districts should make every
9 effort to ensure the ability of low-income students to enroll in
10 extension courses by facilitating their participation in financial aid
11 programs and accessing the American Opportunity Tax Credit,
12 which refunds up to \$2,500 in educational costs for eligible
13 students.

14 (m) Extension programs should be subject to community college
15 district collective bargaining agreements, as well as all state laws
16 and regulations governing courses offered for credit.

17 (n) To meet the needs of Californians and California’s economy,
18 we should recognize that the California Community Colleges are
19 uniquely able to offer high-quality programs at the lowest cost
20 possible to all Californians, and that the California Community
21 Colleges should be given the flexibility to meet California’s
22 educational needs in the face of significant budget reductions.

23 SEC. 2. Article 2.3 (commencing with Section 78230) is added
24 to Chapter 2 of Part 48 of Division 7 of Title 3 of the Education
25 Code, to read:

26
27 Article 2.3. Intersession Extension Programs
28

29 78230. (a) (1) ~~The governing board of a~~ *Office of the*
30 *Chancellor of the California Community Colleges shall establish*
31 *a voluntary pilot program for the purposes of authorizing*
32 ~~community college district may, without the approval of the Board~~
33 ~~of Governors of the California Community Colleges, districts to~~
34 *establish and maintain an extension program programs offering*
35 *credit courses during summer and winter intersessions. The*
36 *governing board of a community college district may apply to be*
37 *selected to participate in the pilot program. The Chancellor of the*
38 *California Community Colleges shall select no more than 15*
39 *campuses out of 15 separate community college districts to*
40 *participate in the pilot program from the districts that apply to be*

1 *selected. In selecting the campuses for the pilot program, the*
2 *chancellor shall consider all of the following:*

3 *(A) Geographic, socioeconomic, and demographic diversity.*

4 *(B) Labor market demand.*

5 *(C) The community college district's program and planning*
6 *capacity.*

7 *(2) In selecting campuses for participation, the Chancellor of*
8 *the California Community Colleges shall extend priority to*
9 *campuses to ensure the participation of the following:*

10 *(A) A campus with at least 50 percent of students currently*
11 *utilizing the fee wavier of the Board of Governors of the California*
12 *Community Colleges.*

13 *(B) A campus with a successful core career technology*
14 *education program.*

15 *(C) A campus that serves communities where the unemployment*
16 *rate is higher than the statewide average.*

17 *(3) It is the intent of the Legislature that at least one*
18 *participating campus should begin implementation of the pilot*
19 *program by January 2014, and that an additional five campuses*
20 *should implement the pilot program by July 1, 2014.*

21 *(b) An extension program established pursuant to this section*
22 *shall have all of following characteristics:*

23 *(1) The program shall be self-supporting and all costs associated*
24 *with the program shall be recovered.*

25 *(2) ~~Program~~ Enrollment in the pilot program shall not be*
26 *reported for state apportionment funding, but program enrollment*
27 *shall be open to the public pursuant to Section 51006 of Title 5 of*
28 *the California Code of Regulations.*

29 *(3) The program shall be developed in conformance with this*
30 *code and Division 6 (commencing with Section 50001) of Title 5*
31 *of the California Code of Regulations related to community college*
32 *credit courses.*

33 *(4) The program shall be subject to community college district*
34 *collective bargaining agreements.*

35 *(5) The program shall apply to all courses leading to certificates,*
36 *degrees, or transfer preparation.*

37 *(c) To be eligible for selection to participate in the pilot*
38 *program, an applicant community college district shall satisfy all*
39 *of the following criteria:*

1 ~~(e) A community college district offering extension courses~~
2 ~~under a program established and maintained under this section~~

3 (1) *The district shall have served a number of students equal*
4 *to, or beyond, its funding limit for the two immediately prior*
5 *academic years, as provided in the annual Budget Act and as*
6 *reported by the Office of the Chancellor of the California*
7 *Community Colleges.*

8 (2) *The district shall not have received a stability adjustment*
9 *to state apportionment funding pursuant to Section 58776 of Title*
10 *5 of the California Code of Regulations in the prior two years.*

11 (3) *All courses offered for credit that receive state*
12 *apportionment funding shall meet basic skills, transfer, or*
13 *workforce development objectives.*

14 (4) *The district shall prioritize enrollment of students in courses*
15 *offered that receive state apportionment funding in conformance*
16 *with the legal authority of the governing board of the community*
17 *college district, Section 66025.8 of this code, and Section 58108*
18 *of Title 5 of the California Code of Regulations, by promoting*
19 *policies that prioritize enrollment in courses that receive state*
20 *apportionment funding of students who are fully matriculated, as*
21 *defined in Section 78212, and making satisfactory progress toward*
22 *a basic skills, transfer, or workforce development goal.*

23 (5) *The district shall prioritize enrollment of students who are*
24 *eligible for resident tuition.*

25 (6) (A) *The district shall limit the enrollment of students funded*
26 *by the state in activity courses, as defined in Section 55041 of Title*
27 *5 of the California Code of Regulations. An applicant district shall*
28 *not claim state apportionment funding for students who repeat*
29 *either credit courses or noncredit physical education, or visual or*
30 *performance arts courses that are part of the same sequence of*
31 *courses, unless the student is doing so to meet degree or other*
32 *local community college district requirements and is in compliance*
33 *with Section 55041 of Title 5 of the California Code of Regulations.*

34 (B) *This paragraph does not apply to disabled students taking*
35 *adaptive activity courses, students participating in intercollegiate*
36 *athletics, or students with an approved educational plan majoring*
37 *in physical education or the performing arts.*

38 (d) *The governing board of a community college district shall*
39 *not expend General Fund moneys to establish and maintain the*
40 *extension program.*

1 (e) An extension credit course shall not supplant any course
2 funded with state apportionments *and shall not be offered at times*
3 *or in locations that supplant or limit the offering of programs that*
4 *receive state funding or in conjunction with courses that receive*
5 *state apportionment funding.* A community college district shall
6 not reduce a state-funded course section needed by students to
7 achieve basic skills, workforce training, or transfer goals, with the
8 intent of reestablishing those course sections as part of the
9 extension program. The governing board of a community college
10 district shall annually certify compliance with this subdivision by
11 board action taken at a regular session of the board.

12 (f) A degree credit course offered as an extension course shall
13 meet all of the requirements of subdivision (a) of Section 55002
14 of Title 5 of the California Code of Regulations, as it exists on
15 January 1, 2013.

16 (g) The governing board of a community college district may
17 charge students enrolled in an extension course a fee that covers
18 the actual cost of the course and that is based upon the district's
19 nonresident fee rate for the year the course is offered. For purposes
20 of this subdivision, "actual cost" includes the actual cost of
21 instruction, necessary equipment and supplies, student services
22 and institutional support, and other costs of the community college
23 district used in calculating the costs of education for nonresident
24 students, *including the administrative costs incurred by the Office*
25 *of the Chancellor of the California Community Colleges in*
26 *providing oversight of the pilot program.*

27 (h) In order to assist in providing access to extension courses
28 for students eligible for the Board of Governors fee waiver,
29 one-third of the revenue collected pursuant to subdivision (g) shall
30 be used by the district to provide financial assistance to these
31 students.

32 (i) A community college district maintaining an extension
33 program under this section shall make every effort to encourage
34 broad participation in the program and support access for students
35 eligible for Board of Governors fee waivers, including, but not
36 limited to, providing students with information about financial aid
37 programs, the American Opportunity Tax Credit, military benefits,
38 scholarships, and other financial assistance that may be available
39 to students, as well as working with campus foundations to provide
40 financial assistance for students attending extension programs. *In*

1 *addition, the district shall adopt enrollment priority and student*
2 *support policies ensuring that students who are eligible for state*
3 *financial aid are not disproportionately shifted from courses that*
4 *receive state apportionment funding to courses offered under the*
5 *pilot program.*

6 (j) (1) ~~Each community college district maintaining an~~
7 ~~extension program offering credit courses under this section~~
8 ~~participating in the pilot program shall collect do both of the~~
9 ~~following:~~

10 (A) *Collect and keep records that measure student participation,*
11 *student demographics, and student outcomes in a manner consistent*
12 *with records collected by community college districts in regular*
13 *credit programs supported through state apportionments, including*
14 *an analysis of program effects, if any, on district workload and*
15 *district financial status. A community college district shall submit*
16 *this information to the Office of the Chancellor of the California*
17 *Community Colleges by October 1 of each year. For community*
18 ~~college districts operating more than one college, the evaluation~~
19 ~~shall be for each participating college.~~

20 (B) *Submit a schedule of fees established pursuant to subdivision*
21 *(g) to the Chancellor of the California Community Colleges by*
22 *August 1 of each year.*

23 (2) The chancellor shall submit all of the information provided
24 by community college districts pursuant to paragraph (1) to the
25 Legislative Analyst's Office by November 1 of each year.

26 (3) (A) No later than January 1, 2017, the Legislative Analyst
27 ~~shall submit to the Legislature a written report that includes a~~
28 ~~summary of the information provided pursuant to this paragraph,~~
29 ~~an assessment of the extent to which community college extension~~
30 ~~programs are operated in a manner consistent with legislative~~
31 ~~intent, and suggestions to the Legislature for needed statutory~~
32 ~~improvements. Analyst's Office shall, pursuant to Section 9795~~
33 ~~of the Government Code, provide to the Legislature a written report~~
34 ~~that evaluates the pilot program established by this article, drawing~~
35 ~~upon campus reports, campus visits, interviews with faculty,~~
36 ~~students, and administrators, and other sources the Legislative~~
37 ~~Analyst's Office deems relevant.~~

38 (B) *The report shall include all of the following:*

1 (i) Summary statistics relating to course offerings, student
2 enrollment, financing, student use of financial aid, funding, and
3 course completion rates for the pilot program.

4 (ii) A determination of the extent to which the pilot program
5 complies with statutory requirements and the extent to which the
6 pilot program results in expanded access for students.

7 (iii) An assessment of the effect of the pilot program on the
8 availability of, and enrollment in, courses that receive state
9 apportionment funding, with particular attention to the
10 demographic makeup and financial aid status of students enrolled
11 in those courses.

12 (iv) Recommendations as to whether the pilot program should
13 be extended, expanded, or modified. In making recommendations,
14 the Legislative Analyst's Office shall consider alternative
15 approaches that might achieve the goal of expanded access without
16 increasing state funding.

17 (k) Courses offered by the extension program established and
18 maintained under this section may only be offered during summer
19 and winter intersessions.

20 (l) The Chancellor of the California Community Colleges shall
21 review pilot programs monitor compliance with the requirements
22 of this article, and may rescind the authority to participate in the
23 pilot program if the chancellor determines that a participating
24 campus or community college district is out of compliance with
25 this article.

26 78231. This article shall remain in effect only until January 1,
27 2020, and as of that date is repealed, unless a later enacted statute,
28 that is enacted before January 1, 2020, deletes or extends that date.