

AMENDED IN SENATE JUNE 25, 2013

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 Office of the Chancellor of the California Community Colleges to establish a voluntary pilot program for purposes of authorizing a community college district to establish and maintain an extension program meeting specified

characteristics during summer and winter intersessions. The bill would authorize the governing board of a community college district to 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 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’s Office, by January 1, 2017, to submit to the Legislature a written report that includes 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. (a) The Legislature finds and declares all of the
 2 following:
 3 (a)
 4 (1) California’s economy increasingly demands highly educated
 5 workers, yet the supply of college graduates will not keep up with
 6 demand. In 2010, President Obama recognized this crisis by calling
 7 on the nation’s community colleges to produce an additional five
 8 million graduates by 2020.
 9 (b)
 10 (2) The Public Policy Institute of California has warned that by
 11 2025, California will need an additional one million workers with
 12 a baccalaureate degree to meet the state’s workforce needs.
 13 (c)
 14 (3) The United States Bureau of Labor Statistics projects that
 15 occupations that require an associate degree will grow by 19

1 percent through 2018, and persons with two-year degrees are 30
2 percent more likely to be employed and earn higher wages than
3 those with only high school diplomas.

4 ~~(d)~~

5 (4) The California Community Colleges are uniquely positioned
6 to provide a higher education for millions of Californians and are
7 critical to the state's ability to meet its workforce needs.

8 ~~(e)~~

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

15 ~~(f)~~

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

22 ~~(g)~~

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

26 ~~(h)~~

27 (8) 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)~~

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

38 ~~(j)~~

39 (10) Extension of programs in summer and winter intersessions
40 will give students an opportunity to take the courses they are not

1 able to enroll in during the state-supported regular session to
2 accelerate the completion of their goals, whether transfer, degree,
3 or certificate.

4 ~~(k)~~

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

10 ~~(l)~~

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

17 ~~(m)~~

18 (13) Extension programs should be subject to community college
19 district collective bargaining agreements, as well as all state laws
20 and regulations governing courses offered for credit.

21 ~~(n)~~

22 (14) To meet the needs of Californians and California's
23 economy, we should recognize that the California Community
24 Colleges are uniquely able to offer high-quality programs at the
25 lowest cost possible to all Californians, and that the California
26 Community Colleges should be given the flexibility to meet
27 California's educational needs in the face of significant budget
28 reductions.

29 (b) *It is the intent of the Legislature that community college*
30 *districts with campuses participating in the voluntary pilot program*
31 *established pursuant to Section 2 of this act do both of the*
32 *following:*

33 (1) *Conduct a review of the data, by race, ethnicity, and gender,*
34 *of students enrolled in the pilot extension programs and compare*
35 *the data to data of students enrolled in the regular academic term*
36 *to determine if low-income or minority students are not being*
37 *served.*

38 (2) *Take affirmative steps, such as recruitment, financial*
39 *assistance, and other measures, to increase the participation of*

1 *low-income and minority students in the pilot program if the review*
2 *shows significant disparities.*

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

6

7 Article 2.3. Intersession Extension Programs

8

9 78230. (a) (1) The Office of the Chancellor of the California
10 Community Colleges shall establish a voluntary pilot program for
11 the purposes of authorizing community college districts to establish
12 and maintain extension programs offering credit courses during
13 summer and winter intersessions. The governing board of a
14 community college district may apply to be selected to participate
15 in the pilot program. The Chancellor of the California Community
16 Colleges shall select no more than 15 campuses out of 15 separate
17 community college districts to participate in the pilot program
18 from the districts that apply to be selected. In selecting the
19 campuses for the pilot program, the chancellor shall consider all
20 of the following:

21 (A) Geographic, socioeconomic, and demographic diversity.

22 (B) Labor market demand.

23 (C) The community college district's program and planning
24 capacity.

25 (2) In selecting campuses for participation, the Chancellor of
26 the California Community Colleges shall extend priority to
27 campuses to ensure the participation of the following:

28 (A) A campus with at least 50 percent of students currently
29 utilizing the fee waiver of the Board of Governors of the California
30 Community Colleges.

31 (B) A campus with a successful core career technology
32 education program.

33 (C) A campus that serves communities where the unemployment
34 rate is higher than the statewide average.

35 (3) It is the intent of the Legislature that at least one participating
36 campus should begin implementation of the pilot program by
37 January 2014, and that an additional five campuses should
38 implement the pilot program by July 1, 2014.

39 (b) An extension program established pursuant to this section
40 shall have all of following characteristics:

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

3 (2) Enrollment in the pilot program shall not be reported for
4 state apportionment funding, but program enrollment shall be open
5 to the public pursuant to Section 51006 of Title 5 of the California
6 Code of Regulations.

7 (3) The program shall be developed in conformance with this
8 code and Division 6 (commencing with Section 50001) of Title 5
9 of the California Code of Regulations related to community college
10 credit courses.

11 (4) The program shall be subject to community college district
12 collective bargaining agreements.

13 (5) The program shall apply to all courses leading to certificates,
14 degrees, or transfer preparation.

15 (c) To be eligible for selection to participate in the pilot program,
16 an applicant community college district shall satisfy all of the
17 following criteria:

18 (1) The district shall have served a number of students equal
19 to, or beyond, its funding limit for the two immediately prior
20 academic years, as provided in the annual Budget Act and as
21 reported by the Office of the Chancellor of the California
22 Community Colleges.

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

26 (3) All courses offered for credit that receive state apportionment
27 funding shall meet basic skills, transfer, or workforce development
28 objectives.

29 (4) The district shall prioritize enrollment of students in courses
30 offered that receive state apportionment funding in conformance
31 with the legal authority of the governing board of the community
32 college district, Section 66025.8 of this code, and Section 58108
33 of Title 5 of the California Code of Regulations, by promoting
34 policies that prioritize enrollment in courses that receive state
35 apportionment funding of students who are fully matriculated, as
36 defined in Section 78212, and making satisfactory progress toward
37 a basic skills, transfer, or workforce development goal.

38 (5) The district shall prioritize enrollment of students who are
39 eligible for resident tuition.

1 (6) (A) The district shall limit the enrollment of students funded
2 by the state in activity courses, as defined in Section 55041 of Title
3 5 of the California Code of Regulations. An applicant district shall
4 not claim state apportionment funding for students who repeat
5 either credit courses or noncredit physical education, or visual or
6 performance arts courses that are part of the same sequence of
7 courses, unless the student is doing so to meet degree or other local
8 community college district requirements and is in compliance with
9 Section 55041 of Title 5 of the California Code of Regulations.

10 (B) This paragraph does not apply to disabled students taking
11 adaptive activity courses, students participating in intercollegiate
12 athletics, or students with an approved educational plan majoring
13 in physical education or the performing arts.

14 *(d) For a student who is not categorically exempt from*
15 *nonresident tuition, the community college district shall charge*
16 *all statutorily authorized fees applicable to nonresident students,*
17 *including, but not limited to, fees authorized pursuant to Section*
18 *76141 or 76142, for his or her enrollment in courses offered*
19 *pursuant to the pilot program.*

20 ~~(d)~~

21 (e) The governing board of a community college district shall
22 not expend General Fund moneys to establish and maintain the
23 extension program.

24 ~~(e)~~

25 (f) An extension credit course shall not supplant any course
26 funded with state apportionments and shall not be offered at times
27 or in locations that supplant or limit the offering of programs that
28 receive state funding or in conjunction with courses that receive
29 state apportionment funding. A community college district shall
30 not reduce a state-funded course section needed by students to
31 achieve basic skills, workforce training, or transfer goals, with the
32 intent of reestablishing those course sections as part of the
33 extension program. The governing board of a community college
34 district shall annually certify compliance with this subdivision by
35 board action taken at a regular session of the board.

36 ~~(f)~~

37 (g) A degree credit course offered as an extension course shall
38 meet all of the requirements of subdivision (a) of Section 55002
39 of Title 5 of the California Code of Regulations, as it exists on
40 January 1, 2013.

1 ~~(g)~~
 2 (h) The governing board of a community college district may
 3 charge students enrolled in an extension course a fee that covers
 4 the actual cost of the course and that is based upon the district’s
 5 nonresident fee rate for the year the course is offered. For purposes
 6 of this subdivision, “actual cost” includes the actual cost of
 7 instruction, necessary equipment and supplies, student services
 8 and institutional support, and other costs of the community college
 9 district used in calculating the costs of education for nonresident
 10 students, including the administrative costs incurred by the Office
 11 of the Chancellor of the California Community Colleges in
 12 providing oversight of the pilot program.

13 ~~(h)~~
 14 (i) In order to assist in providing access to extension courses
 15 for students eligible for the Board of Governors fee waiver,
 16 one-third of the revenue collected pursuant to subdivision (g) shall
 17 be used by the district to provide financial assistance to these
 18 students.

19 ~~(i)~~
 20 (j) A community college district maintaining an extension
 21 program under this section shall make every effort to encourage
 22 broad participation in the program and support access for students
 23 eligible for Board of Governors fee waivers, including, but not
 24 limited to, providing students with information about financial aid
 25 programs, the American Opportunity Tax Credit, military benefits,
 26 scholarships, and other financial assistance that may be available
 27 to students, as well as working with campus foundations to provide
 28 financial assistance for students attending extension programs. In
 29 addition, the district shall adopt enrollment priority and student
 30 support policies ensuring that students who are eligible for state
 31 financial aid are not disproportionately shifted from courses that
 32 receive state apportionment funding to courses offered under the
 33 pilot program.

34 ~~(j)~~
 35 (k) (1) Each community college district participating in the
 36 pilot program shall do both of the following:

37 (A) Collect and keep records that measure student participation,
 38 student demographics, and student outcomes in a manner consistent
 39 with records collected by community college districts in regular
 40 credit programs supported through state apportionments, including

1 an analysis of program effects, if any, on district workload and
2 district financial status. A community college district shall submit
3 this information to the Office of the Chancellor of the California
4 Community Colleges by October 1 of each year.

5 (B) Submit a schedule of fees established pursuant to subdivision
6 (g) to the Chancellor of the California Community Colleges by
7 August 1 of each year.

8 (2) The chancellor shall submit all of the information provided
9 by community college districts pursuant to paragraph (1) to the
10 Legislative Analyst’s Office by November 1 of each year.

11 (3) (A) No later than January 1, 2017, the Legislative Analyst’s
12 Office shall, pursuant to Section 9795 of the Government Code,
13 provide to the Legislature a written report that evaluates the pilot
14 program established by this article, drawing upon campus reports,
15 campus visits, interviews with faculty, students, and administrators,
16 and other sources the Legislative Analyst’s Office deems relevant.

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

18 (i) Summary statistics relating to course offerings, student
19 enrollment, *including demographic data on the students enrolled*
20 *in courses, if available*, financing, student use of financial aid,
21 funding, and course completion rates for the pilot program.

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

25 (iii) An assessment of the effect of the pilot program on the
26 availability of, and enrollment in, courses that receive state
27 apportionment funding, with particular attention to the demographic
28 makeup and financial aid status of students enrolled in those
29 courses.

30 (iv) Recommendations as to whether the pilot program should
31 be extended, expanded, or modified. In making recommendations,
32 the Legislative Analyst’s Office shall consider alternative
33 approaches that might achieve the goal of expanded access without
34 increasing state funding.

35 ~~(k)~~

36 (l) Courses offered by the extension program established and
37 maintained under this section may only be offered during summer
38 and winter intersessions.

39 ~~(t)~~

1 (m) The Chancellor of the California Community Colleges shall
2 review pilot programs monitor compliance with the requirements
3 of this article, and may rescind the authority to participate in the
4 pilot program if the chancellor determines that a participating
5 campus or community college district is out of compliance with
6 this article.

7 78231. This article shall remain in effect only until January 1,
8 2020, and as of that date is repealed, unless a later enacted statute,
9 that is enacted before January 1, 2020, deletes or extends that date.