

AMENDED IN SENATE SEPTEMBER 3, 2013

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

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**ASSEMBLY BILL**

**No. 955**

**Introduced by Assembly Member Williams**

February 22, 2013

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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~~, 2018, 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 districts to establish and maintain an extension program programs meeting specified characteristics at specified community college campuses 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 establishing an extension 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. extension programs.~~

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 (1) 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.
- 8 (2) The Public Policy Institute of California has warned that by
- 9 2025, California will need an additional one million workers with
- 10 a baccalaureate degree to meet the state’s workforce needs.
- 11 (3) The United States Bureau of Labor Statistics projects that
- 12 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 (4) The California Community Colleges are uniquely positioned  
5 to provide a higher education for millions of Californians and are  
6 critical to the state's ability to meet its workforce needs.

7 (5) The California Community Colleges are experiencing record  
8 demand for access to classes and programs that provide students  
9 with the skills and education they need to enter the workforce and  
10 prepare for the jobs of the future. However, funding for the  
11 California Community Colleges has been cut by more than \$800  
12 million *eight hundred million dollars (\$800,000,000)* since 2008,  
13 affecting student access and completion.

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

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

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

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

33 (10) Extension of programs in summer and winter intersessions  
34 will give students an opportunity to take the courses they are not  
35 able to enroll in during the state-supported regular session to  
36 accelerate the completion of their goals, whether transfer, degree,  
37 or certificate.

38 (11) By providing additional opportunities for students to  
39 complete high-demand courses, spaces should be freed up in the  
40 state-supported courses offered during the regular session,

1 increasing all students’ ability to complete their education in a  
2 timely manner.

3 (12) Participating community college districts should make  
4 every effort to ensure the ability of low-income students to enroll  
5 in extension courses by facilitating their participation in financial  
6 aid programs and accessing the American Opportunity Tax Credit,  
7 which refunds up to ~~-\$2,500~~ *two thousand five hundred dollars*  
8 *(\$2,500)* in educational costs for eligible students.

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

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

19 (b) It is the intent of the Legislature that community college  
20 districts with campuses participating in the voluntary pilot program  
21 established pursuant to Section 2 of this act do both of the  
22 following:

23 (1) Conduct a review of the data, by race, ethnicity, and gender,  
24 of students enrolled in the pilot extension programs and compare  
25 the data to data of students enrolled in the regular academic term  
26 to determine if low-income or minority students are not being  
27 served.

28 (2) Take affirmative steps, such as recruitment, financial  
29 assistance, and other measures, to increase the participation of  
30 low-income and minority students in the pilot program if the review  
31 shows significant disparities.

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

35

36 Article 2.3. Intersession Extension Programs

37

38 78230. (a) ~~(1)~~ *For the purposes of this section, the following*  
39 *terms have the following meanings:*

1 (1) “Eligible community college campus” means one of the  
2 following campuses:

- 3 (A) College of the Canyons.
- 4 (B) Crafton Hills College.
- 5 (C) Long Beach City College.
- 6 (D) Oxnard College.
- 7 (E) Pasadena City College.
- 8 (F) Solano Community College.

9 (2) “Eligible community college district” means a community  
10 college district with an eligible community college campus.

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

- 24 ~~(A) Geographic, socioeconomic, and demographic diversity.~~
- 25 ~~(B) Labor market demand.~~
- 26 ~~(C) The community college district’s program and planning~~  
27 ~~capacity.~~

28 (2) ~~In selecting campuses for participation, the Chancellor of~~  
29 ~~the California Community Colleges shall extend priority to~~  
30 ~~campuses to ensure the participation of the following:~~

- 31 ~~(A) A campus with at least 50 percent of students currently~~  
32 ~~utilizing the fee waiver of the Board of Governors of the California~~  
33 ~~Community Colleges.~~
- 34 ~~(B) A campus with a successful core career technology~~  
35 ~~education program.~~
- 36 ~~(C) A campus that serves communities where the unemployment~~  
37 ~~rate is higher than the statewide average.~~

38 (3)

39 (2) It is the intent of the Legislature that at least one participating  
40 campus should begin implementation of the pilot program by

1 January 2014, and that an additional five campuses should  
2 implement the pilot program by July 1, 2014.

3 ~~(b)~~

4 (c) An extension program established pursuant to this section  
5 shall have all of following characteristics:

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

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

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

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

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

20 ~~(e)~~

21 ~~(d) (1) To be eligible for selection to participate in the pilot~~  
22 ~~program, an applicant~~ *eligible* community college district shall  
23 satisfy all of the following criteria:

24 ~~(1)~~

25 (A) The district shall have served a number of students equal  
26 to, or beyond, its funding limit for the two immediately prior  
27 academic years, as provided in the annual Budget Act and as  
28 reported by the Office of the Chancellor of the California  
29 Community Colleges.

30 ~~(2)~~

31 (B) The district shall not have received a stability adjustment  
32 to state apportionment funding pursuant to Section 58776 of Title  
33 5 of the California Code of Regulations in the prior two years.

34 ~~(3)~~

35 (C) All courses offered for credit that receive state  
36 apportionment funding shall meet basic skills, transfer, or  
37 workforce development objectives.

38 ~~(4)~~

39 (D) The district shall prioritize enrollment of students in courses  
40 offered that receive state apportionment funding in conformance

1 with the legal authority of the governing board of the community  
2 college district, Section 66025.8 of this code, and Section 58108  
3 of Title 5 of the California Code of Regulations, by promoting  
4 policies that prioritize enrollment in courses that receive state  
5 apportionment funding of students who are fully matriculated, as  
6 defined in Section 78212, and making satisfactory progress toward  
7 a basic skills, transfer, or workforce development goal.

8 ~~(5)~~

9 ~~(E) The district shall prioritize enrollment of students who are~~  
10 ~~eligible for resident tuition. in the extension program courses as~~  
11 ~~follows:~~

12 ~~(i) First priority shall be given to current community college~~  
13 ~~students who are eligible for resident tuition.~~

14 ~~(ii) Second priority shall be given to students who are eligible~~  
15 ~~for resident tuition.~~

16 ~~(6) (A)~~

17 ~~(F) (i) The district shall limit the enrollment of students funded~~  
18 ~~by the state in activity courses, as defined in Section 55041 of Title~~  
19 ~~5 of the California Code of Regulations. An applicant district shall~~  
20 ~~not claim state apportionment funding for students who repeat~~  
21 ~~either credit courses or noncredit physical education, or visual or~~  
22 ~~performance arts courses that are part of the same sequence of~~  
23 ~~courses, unless the student is doing so to meet degree or other local~~  
24 ~~community college district requirements and is in compliance with~~  
25 ~~Section 55041 of Title 5 of the California Code of Regulations.~~

26 ~~(B) This paragraph~~

27 ~~(ii) This subparagraph does not apply to disabled students taking~~  
28 ~~adaptive activity courses, students participating in intercollegiate~~  
29 ~~athletics, or students with an approved educational plan majoring~~  
30 ~~in physical education or the performing arts.~~

31 ~~(2) The Office of the Chancellor of the California Community~~  
32 ~~Colleges, to the extent feasible, shall determine whether an eligible~~  
33 ~~community college district meets the criteria outlined in paragraph~~  
34 ~~(1) prior to its participation in the pilot program.~~

35 ~~(d)~~

36 ~~(e) For a student who is not categorically exempt from~~  
37 ~~nonresident tuition, the community college district shall charge~~  
38 ~~all statutorily authorized fees applicable to nonresident students,~~  
39 ~~including, but not limited to, fees authorized pursuant to Section~~

1 76141 or 76142, for his or her enrollment in courses offered  
2 pursuant to the pilot program.

3 ~~(e)~~

4 ~~(f)~~ The governing board of ~~a~~ *an eligible* community college  
5 district shall not expend General Fund moneys to establish and  
6 maintain the extension program.

7 ~~(f)~~

8 ~~(g)~~ An extension credit course shall not supplant any course  
9 funded with state apportionments and shall not be offered at times  
10 or in locations that supplant or limit the offering of programs that  
11 receive state funding or in conjunction with courses that receive  
12 state apportionment funding. ~~A~~ *An eligible* community college  
13 district shall not reduce a state-funded course section needed by  
14 students to achieve basic skills, workforce training, or transfer  
15 goals, with the intent of reestablishing those course sections as  
16 part of the extension program. The governing board of ~~a~~ *an eligible*  
17 community college district shall annually certify compliance with  
18 this subdivision by board action taken at a regular session of the  
19 board.

20 ~~(g)~~

21 ~~(h)~~ A degree credit course offered as an extension course shall  
22 meet all of the requirements of subdivision (a) of Section 55002  
23 of Title 5 of the California Code of Regulations, as it exists on  
24 January 1, 2013.

25 ~~(h)~~

26 ~~(i)~~ The governing board of ~~a~~ *an eligible* community college  
27 district may charge students enrolled in an extension course a fee  
28 that covers the actual cost of the course and that is based upon the  
29 district's nonresident fee rate for the year the course is offered.  
30 For purposes of this subdivision, "actual cost" includes the actual  
31 cost of instruction, necessary equipment and supplies, student  
32 services and institutional support, and other costs of the community  
33 college district used in calculating the costs of education for  
34 nonresident students, including the administrative costs incurred  
35 by the Office of the Chancellor of the California Community  
36 Colleges in providing oversight of the pilot program.

37 ~~(i)~~

38 ~~(j)~~ In order to assist in providing access to extension courses  
39 for students eligible for the Board of Governors fee waiver,  
40 one-third of the revenue collected pursuant to subdivision ~~(g)~~ ~~(i)~~

1 shall be used by the district to provide financial assistance to these  
2 students. *In addition to the one-third of the revenues collected, a*  
3 *participating district shall supplement financial assistance with*  
4 *funds from campus foundations or any other nonstate funds.*

5 (1) *Each participating community college district shall develop*  
6 *a plan for collecting and dispursing financial assistance provided*  
7 *pursuant to this subdivision.*

8 (2) *Participating districts shall include a description of the*  
9 *financial assistance plan in their annual reports to the Office of*  
10 *the Chancellor of the California Community Colleges in*  
11 *accordance with subdivision (n). Participating districts shall*  
12 *report, at a minimum, all of the following:*

13 (A) *The number and percentage of participating students who*  
14 *are receiving financial assistance.*

15 (B) *The criteria used for determining eligibility for, and*  
16 *prioritizing awards of, financial assistance for students.*

17 (C) *Methods for communicating financial assistance information*  
18 *to students.*

19 (D) *Total amount of financial aid disbursed and the sources of*  
20 *the aid.*

21 (E) *Information on the proportion of students whose extension*  
22 *program fees are subsidized with financial assistance, the*  
23 *percentage of total fees that is paid by financial assistance for*  
24 *individual students, with this information aggregated in ways that*  
25 *assist in evaluating the consequence and equity of the financial*  
26 *assistance program, and the sources of the financial assistance.*

27 (j)

28 (k) A community college district maintaining an extension  
29 program under this section shall make every effort to encourage  
30 broad participation in the program and support access for students  
31 eligible for Board of Governors fee waivers, including, but not  
32 limited to, providing students with information about financial aid  
33 programs, the American Opportunity Tax Credit, military benefits,  
34 scholarships, and other financial assistance that may be available  
35 to students, as well as working with campus foundations to provide  
36 financial assistance for students attending extension programs. In  
37 addition, the district shall adopt enrollment priority and student  
38 support policies ensuring that students who are eligible for state  
39 financial aid are not disproportionately shifted from courses that

1 receive state apportionment funding to courses offered under the  
2 pilot program.

3 ~~(k)~~

4 ~~(l)~~ (1) Each ~~community college district~~ *eligible community*  
5 *college district* participating in the pilot program shall do both of  
6 the following:

7 (A) Collect and keep records that measure student participation,  
8 student demographics, and student outcomes in a manner consistent  
9 with records collected by community college districts in regular  
10 credit programs supported through state apportionments, including  
11 an analysis of program effects, if any, on district workload and  
12 district financial status. A community college district shall submit  
13 this information to the Office of the Chancellor of the California  
14 Community Colleges by October 1 of each year.

15 (B) Submit a schedule of fees established pursuant to subdivision  
16 ~~(g)~~ (i) to the Chancellor of the California Community Colleges by  
17 August 1 of each year.

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

21 (3) (A) No later than January 1, 2017, the Legislative Analyst's  
22 Office shall, pursuant to Section 9795 of the Government Code,  
23 provide to the Legislature a written report that evaluates the pilot  
24 program established by this ~~article, drawing upon campus reports,~~  
25 ~~campus visits, interviews with faculty, students, and administrators,~~  
26 ~~and other sources the Legislative Analyst's Office deems relevant~~  
27 *article*.

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

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

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

36 (iii) An assessment of the effect of the pilot program on the  
37 availability of, and enrollment in, courses that receive state  
38 apportionment funding, with particular attention to the demographic  
39 makeup and financial aid status of students enrolled in those  
40 courses.

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

6 ~~(t)~~

7 (m) Courses offered by the extension program established and  
8 maintained under this section may only be offered during summer  
9 and winter intersessions.

10 ~~(m) The Chancellor of the California Community Colleges shall  
11 review pilot programs monitor compliance with the requirements  
12 of this article, and may rescind the authority to participate in the  
13 pilot program if the chancellor determines that a participating  
14 campus or community college district is out of compliance with  
15 this article.~~

16 (n) (1) *No later than June 30, 2014, the Board of Governors  
17 of the California Community Colleges shall adopt reporting  
18 requirements for the pilot program that conform with the  
19 requirements of Article 2 (commencing with Section 84030) of  
20 Chapter 1 of Part 50, and the information reported shall be  
21 included in the annual audit process.*

22 (2) *An eligible community college district that fails to comply  
23 with the requirements established by the Board of Governors of  
24 the California Community Colleges for the pilot program or no  
25 longer meets the criteria set forth in subdivision (d) shall be  
26 ineligible for participation in the pilot program.*

27 78231. This article shall remain in effect only until January 1,  
28 2020, 2018, and as of that date is repealed, unless a later enacted  
29 statute, that is enacted before January 1, 2020, 2018, deletes or  
30 extends that date.