

Assembly Bill No. 955

Passed the Assembly September 10, 2013

Chief Clerk of the Assembly

Passed the Senate September 9, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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, 2018, authorize community college districts to establish and maintain extension programs meeting specified characteristics at specified community college campuses during summer and winter intersessions. The bill would require a community college district 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 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.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California's economy increasingly demands highly educated workers, yet the supply of college graduates will not keep up with demand. In 2010, President Obama recognized this crisis by calling on the nation's community colleges to produce an additional five million graduates by 2020.

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

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

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

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

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

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

(8) The lack of courses during summer intersessions has had a serious impact on veterans who must be enrolled in courses to access housing benefits to which they are entitled through the

Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110-252), otherwise known as Post-9/11 GI Bill.

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

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

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

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

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

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

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

(1) Conduct a review of the data, by race, ethnicity, and gender, of students enrolled in the pilot extension programs and compare the data to data of students enrolled in the regular academic term

to determine if low-income or minority students are not being served.

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

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

Article 2.3. Intersession Extension Programs

78230. (a) For the purposes of this section, the following terms have the following meanings:

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

- (A) College of the Canyons.
- (B) Crafton Hills College.
- (C) Long Beach City College.
- (D) Oxnard College.
- (E) Pasadena City College.
- (F) Solano Community College.

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

(b) (1) The Office of the Chancellor of the California Community Colleges shall establish a voluntary pilot program through which an eligible community college campus may establish and maintain extension programs offering credit courses during summer and winter intersessions. The governing board of an eligible community college district may request to participate in the pilot program.

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

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

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

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

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

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

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

(d) (1) To participate in the pilot program, an eligible community college district shall satisfy all of the following criteria:

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

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

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

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

(E) The district shall prioritize enrollment in the extension program courses as follows:

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

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

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

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

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

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

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

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

(h) A degree credit course offered as an extension course shall meet all of the requirements of subdivision (a) of Section 55002

of Title 5 of the California Code of Regulations, as it exists on January 1, 2013.

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

(j) In order to assist in providing access to extension courses for students eligible for the Board of Governors fee waiver, one-third of the revenue collected pursuant to subdivision (i) shall be used by the district to provide financial assistance to these students. In addition to the one-third of the revenues collected, a participating district shall supplement financial assistance with funds from campus foundations or any other nonstate funds.

(1) Each participating community college district shall develop a plan for collecting and dispersing financial assistance provided pursuant to this subdivision.

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

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

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

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

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

(E) Information on the proportion of students whose extension program fees are subsidized with financial assistance, the percentage of total fees that is paid by financial assistance for individual students, with this information aggregated in ways that

assist in evaluating the consequence and equity of the financial assistance program, and the sources of the financial assistance.

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

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

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

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

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

(3) (A) No later than January 1, 2017, the Legislative Analyst's Office shall, pursuant to Section 9795 of the Government Code, provide to the Legislature a written report that evaluates the pilot program established by this article.

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

(i) Summary statistics relating to course offerings, student enrollment, including demographic data on the students enrolled

in courses, if available, financing, student use of financial aid, funding, and course completion rates for the pilot program.

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

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

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

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

(n) (1) No later than March 31, 2014, the Board of Governors of the California Community Colleges shall adopt reporting requirements for the pilot program that conform with the requirements of Article 2 (commencing with Section 84030) of Chapter 1 of Part 50, and the information reported shall be included in the annual audit process.

(2) An eligible community college district that fails to comply with the requirements established by the Board of Governors of the California Community Colleges for the pilot program pursuant to paragraph (1) or no longer meets the criteria set forth in subdivision (d) shall be ineligible for participation in the pilot program.

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

Approved _____, 2013

Governor