

AMENDED IN SENATE AUGUST 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2557

Introduced by Assembly Member Williams Pan
(Principal coauthors: Assembly Members Campos and Williams)
(Coauthor: Assembly Member Dickinson)
(Coauthors: Senators Beall, Hill, and Steinberg)

February 21, 2014

~~An act to amend Section 78230 of the Education Code, relating to community colleges.~~ *An act to amend Section 130060 of the Health and Safety Code, relating to health facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, ~~Williams Pan. Community colleges: intersession extension programs.~~ *Hospitals: seismic safety.*

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973.

Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension under prescribed circumstances. Existing law also allows the office to grant an additional 2-year extension in specified circumstances.

This bill would clarify that a general acute care hospital building described above may be used for purposes other than nonacute care hospital purposes if an extension of the January 1, 2008, deadline has been granted and, before the end of the extension, a replacement

building has been constructed or a retrofit has been performed, as specified. The bill would authorize a hospital located in the County of Sacramento, San Mateo, or Santa Barbara or the City of San Jose that has received the additional 2-year extension to the January 2008 deadline pursuant to specified provisions to request an additional extension until September 1, 2015, to obtain either a certificate of occupancy for a replacement building or a construction final for a building on which a retrofit has been performed.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Sacramento, San Mateo, and Santa Barbara and the City of San Jose.

~~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.~~

~~Existing law, until January 1, 2018, authorizes community college districts to establish and maintain extension programs meeting specified characteristics at 6 community college campuses during summer and winter intersessions. The 6 campuses authorized under existing law are the College of the Canyons, Crafton Hills College, Long Beach City College, Oxnard College, Pasadena City College, and Solano Community College.~~

~~Existing law states 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.~~

~~This bill would delete Pasadena City College from the group of community college campuses authorized to participate in this program.~~

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 130060 of the Health and Safety Code is
- 2 amended to read:
- 3 130060. (a) (1) After January 1, 2008, any general acute care
- 4 hospital building that is determined to be a potential risk of collapse

1 or pose significant loss of life shall only be used for nonacute care
2 hospital purposes. ~~A delay in this purposes, unless an extension~~
3 ~~of this deadline has been granted and either of the following occurs~~
4 ~~before the end of the extension:~~

5 (A) *A replacement building has been constructed and a*
6 *certificate of occupancy has been granted by the office for the*
7 *replacement building.*

8 (B) *A retrofit has been performed on the building and a*
9 *construction final has been obtained by the office.*

10 (2) An extension of the deadline may be granted by the office
11 upon a demonstration by the owner that compliance will result in
12 a loss of health care capacity that may not be provided by other
13 general acute care hospitals within a reasonable proximity. In its
14 request for an extension of the deadline, a hospital shall state why
15 the hospital is unable to comply with the January 1, 2008, deadline
16 requirement.

17 ~~(2)~~

18 (3) Prior to granting an extension of the January 1, 2008,
19 deadline pursuant to this section, the office shall do all of the
20 following:

21 (A) Provide public notice of a hospital's request for an extension
22 of the deadline. The notice, at a minimum, shall be posted on the
23 office's Internet Web site, and shall include the facility's name
24 and identification number, the status of the request, and the
25 beginning and ending dates of the comment period, and shall advise
26 the public of the opportunity to submit public comments pursuant
27 to subparagraph (C). The office shall also provide notice of all
28 requests for the deadline extension directly to interested parties
29 upon request of the interested parties.

30 (B) Provide copies of extension requests to interested parties
31 within 10 working days to allow interested parties to review and
32 provide comment within the 45-day comment period. The copies
33 shall include those records that are available to the public pursuant
34 to the California Public Records Act (Chapter 3.5 (commencing
35 with Section 6250) of Division 7 of Title 1 of the Government
36 Code).

37 (C) Allow the public to submit written comments on the
38 extension proposal for a period of not less than 45 days from the
39 date of the public notice.

1 (b) (1) It is the intent of the Legislature, in enacting this
2 subdivision, to facilitate the process of having more hospital
3 buildings in substantial compliance with this chapter and to take
4 nonconforming general acute care hospital inpatient buildings out
5 of service more quickly.

6 (2) The functional contiguous grouping of hospital buildings of
7 a general acute care hospital, each of which provides, as the
8 primary source, one or more of the hospital's eight basic services
9 as specified in subdivision (a) of Section 1250, may receive a
10 five-year extension of the January 1, 2008, deadline specified in
11 subdivision (a) of this section pursuant to this subdivision for both
12 structural and nonstructural requirements. A functional contiguous
13 grouping refers to buildings containing one or more basic hospital
14 services that are either attached or connected in a way that is
15 acceptable to the State Department of Health Care Services. These
16 buildings may be either on the existing site or a new site.

17 (3) To receive the five-year extension, a single building
18 containing all of the basic services or at least one building within
19 the contiguous grouping of hospital buildings shall have obtained
20 a building permit prior to 1973 and this building shall be evaluated
21 and classified as a nonconforming, Structural Performance
22 Category-1 (SPC-1) building. The classification shall be submitted
23 to and accepted by the Office of Statewide Health Planning and
24 Development. The identified hospital building shall be exempt
25 from the requirement in subdivision (a) until January 1, 2013, if
26 the hospital agrees that the basic service or services that were
27 provided in that building shall be provided, on or before January
28 1, 2013, as follows:

29 (A) Moved into an existing conforming Structural Performance
30 Category-3 (SPC-3), Structural Performance Category-4 (SPC-4),
31 or Structural Performance Category-5 (SPC-5) and Non-Structural
32 Performance Category-4 (NPC-4) or Non-Structural Performance
33 Category-5 (NPC-5) building.

34 (B) Relocated to a newly built compliant SPC-5 and NPC-4 or
35 NPC-5 building.

36 (C) Continued in the building if the building is retrofitted to a
37 SPC-5 and NPC-4 or NPC-5 building.

38 (4) A five-year extension is also provided to a post-1973
39 building if the hospital owner informs the Office of Statewide
40 Health Planning and Development that the building is classified

1 as SPC-1, SPC-3, or SPC-4 and will be closed to general acute
2 care inpatient service use by January 1, 2013. The basic services
3 in the building shall be relocated into a SPC-5 and NPC-4 or NPC-5
4 building by January 1, 2013.

5 (5) SPC-1 buildings, other than the building identified in
6 paragraph (3) or (4), in the contiguous grouping of hospital
7 buildings shall also be exempt from the requirement in subdivision
8 (a) until January 1, 2013. However, on or before January 1, 2013,
9 at a minimum, each of these buildings shall be retrofitted to a
10 SPC-2 and NPC-3 building, or no longer be used for general acute
11 care hospital inpatient services.

12 (c) On or before March 1, 2001, the office shall establish a
13 schedule of interim work progress deadlines that hospitals shall
14 be required to meet to be eligible for the extension specified in
15 subdivision (b). To receive this extension, the hospital building or
16 buildings shall meet the year 2002 nonstructural requirements.

17 (d) A hospital building that is eligible for an extension pursuant
18 to this section shall meet the January 1, 2030, nonstructural and
19 structural deadline requirements if the building is to be used for
20 general acute care inpatient services after January 1, 2030.

21 (e) Upon compliance with subdivision (b), the hospital shall be
22 issued a written notice of compliance by the office. The office
23 shall send a written notice of violation to hospital owners that fail
24 to comply with this section. The office shall make copies of these
25 notices available on its Internet Web site.

26 (f) (1) A hospital that has received an extension of the January
27 1, 2008, deadline pursuant to subdivision (a) or (b) may request
28 an additional extension of up to two years for a hospital building
29 that it owns or operates and that meets the criteria specified in
30 paragraph (2), (3), or (5).

31 (2) The office may grant the additional extension if the hospital
32 building subject to the extension meets all of the following criteria:

33 (A) The hospital building is under construction at the time of
34 the request for extension under this subdivision and the purpose
35 of the construction is to meet the requirements of subdivision (a)
36 to allow the use of the building as a general acute care hospital
37 building after the extension deadline granted by the office pursuant
38 to subdivision (a) or (b).

39 (B) The hospital building plans were submitted to the office
40 and were deemed ready for review by the office at least four years

1 prior to the applicable deadline for the building. The hospital shall
2 indicate, upon submission of its plans, the SPC-1 building or
3 buildings that will be retrofitted or replaced to meet the
4 requirements of this section as a result of the project.

5 (C) The hospital received a building permit for the construction
6 described in subparagraph (A) at least two years prior to the
7 applicable deadline for the building.

8 (D) The hospital submitted a construction timeline at least two
9 years prior to the applicable deadline for the building demonstrating
10 the hospital's intent to meet the applicable deadline. The timeline
11 shall include all of the following:

- 12 (i) The projected construction start date.
- 13 (ii) The projected construction completion date.
- 14 (iii) Identification of the contractor.

15 (E) The hospital is making reasonable progress toward meeting
16 the timeline set forth in subparagraph (D), but factors beyond the
17 hospital's control make it impossible for the hospital to meet the
18 deadline.

19 (3) The office may grant the additional extension if the hospital
20 building subject to the extension meets all of the following criteria:

21 (A) The hospital building is owned by a health care district that
22 has, as owner, received the extension of the January 1, 2008,
23 deadline, but where the hospital is operated by an unaffiliated
24 third-party lessee pursuant to a facility lease that extends at least
25 through December 31, 2009. The district shall file a declaration
26 with the office with a request for an extension stating that, as of
27 the date of the filing, the district has lacked, and continues to lack,
28 unrestricted access to the subject hospital building for seismic
29 planning purposes during the term of the lease, and that the district
30 is under contract with the county to maintain hospital services
31 when the hospital comes under district control. The office shall
32 not grant the extension if an unaffiliated third-party lessee will
33 operate the hospital beyond December 31, 2010.

34 (B) The hospital building plans were submitted to the office
35 and were deemed ready for review by the office at least four years
36 prior to the applicable deadline for the building. The hospital shall
37 indicate, upon submission of its plans, the SPC-1 building or
38 buildings that will be retrofitted or replaced to meet the
39 requirements of this section as a result of the project.

1 (C) The hospital received a building permit for the construction
2 described in subparagraph (B) by December 31, 2011.

3 (D) The hospital submitted, by December 31, 2011, a
4 construction timeline for the building demonstrating the hospital's
5 intent and ability to meet the deadline of December 31, 2014. The
6 timeline shall include all of the following:

- 7 (i) The projected construction start date.
- 8 (ii) The projected construction completion date.
- 9 (iii) Identification of the contractor.

10 (E) The hospital building is under construction at the time of
11 the request for the extension, the purpose of the construction is to
12 meet the requirements of subdivision (a) to allow the use of the
13 building as a general acute care hospital building after the extension
14 deadline granted by the office pursuant to subdivision (a) or (b),
15 and the hospital is making reasonable progress toward meeting
16 the timeline set forth in subparagraph (D).

17 (F) The hospital granted an extension pursuant to this paragraph
18 shall submit an additional status report to the office, equivalent to
19 that required by subdivision (c) of Section 130061, no later than
20 June 30, 2013.

21 (4) An extension granted pursuant to paragraph (3) shall be
22 applicable only to the health care district applicant and its affiliated
23 hospital while the hospital is operated by the district or an entity
24 under the control of the district.

25 (5) The office may grant the additional extension if the hospital
26 building subject to the extension meets all of the following criteria:

27 (A) The hospital owner submitted to the office, prior to June
28 30, 2009, a request for review using current computer modeling
29 utilized by the office and based upon software developed by the
30 Federal Emergency Management Agency, *Agency (FEMA)*,
31 referred to as Hazards US, and the building was deemed SPC-1
32 after that review.

33 (B) The hospital building plans for the building are submitted
34 to the office and deemed ready for review by the office prior to
35 July 1, 2010. The hospital shall indicate, upon submission of its
36 plans, the SPC-1 building or buildings that shall be retrofitted or
37 replaced to meet the requirements of this section as a result of the
38 project.

1 (C) The hospital receives a building permit from the office for
2 the construction described in subparagraph (B) prior to January 1,
3 2012.

4 (D) The hospital submits, prior to January 1, 2012, a
5 construction timeline for the building demonstrating the hospital's
6 intent and ability to meet the applicable deadline. The timeline
7 shall include all of the following:

8 (i) The projected construction start date.

9 (ii) The projected construction completion date.

10 (iii) Identification of the contractor.

11 (E) The hospital building is under construction at the time of
12 the request for the extension, the purpose of the construction is to
13 meet the requirements of subdivision (a) to allow the use of the
14 building as a general acute care hospital building after the extension
15 deadline granted by the office pursuant to subdivision (a) or (b),
16 and the hospital is making reasonable progress toward meeting
17 the timeline set forth in subparagraph (D).

18 (F) The hospital owner completes construction such that the
19 hospital meets all criteria to enable the office to issue a certificate
20 of occupancy by the applicable deadline for the building.

21 *(6) A hospital located in the County of Sacramento, San Mateo,*
22 *or Santa Barbara or the City of San Jose that has received an*
23 *additional extension pursuant to paragraph (2) or (5) may request*
24 *an additional extension until September 1, 2015, to obtain either*
25 *a certificate of occupancy from the office for a replacement*
26 *building, or a construction final from the office for a building on*
27 *which a retrofit has been performed.*

28 ~~(6)~~

29 (7) A hospital denied an extension pursuant to this subdivision
30 may appeal the denial to the Hospital Building Safety Board.

31 ~~(7)~~

32 (8) The office may revoke an extension granted pursuant to this
33 subdivision for any hospital building where the work of
34 construction is abandoned or suspended for a period of at least one
35 year, unless the hospital demonstrates in a public document that
36 the abandonment or suspension was caused by factors beyond its
37 control.

38 (g) (1) Notwithstanding subdivisions (a), (b), (c), and (f), and
39 Sections 130061.5 and 130064, a hospital that has received an
40 extension of the January 1, 2008, deadline pursuant to subdivision

1 (a) or (b) also may request an additional extension of up to seven
2 years for a hospital building that it owns or operates. The office
3 may grant the extension subject to the hospital meeting the
4 milestones set forth in paragraph (2).

5 (2) The hospital building subject to the extension shall meet all
6 of the following milestones, unless the hospital building is
7 reclassified as SPC-2 or higher as a result of its Hazards US score:

8 (A) The hospital owner submits to the office, no later than
9 September 30, 2012, a letter of intent stating whether it intends to
10 rebuild, replace, or retrofit the building, or remove all general acute
11 care beds and services from the building, and the amount of time
12 necessary to complete the construction.

13 (B) The hospital owner submits to the office, no later than
14 September 30, 2012, a schedule detailing why the requested
15 extension is necessary, and specifically how the hospital intends
16 to meet the requested deadline.

17 (C) The hospital owner submits to the office, no later than
18 September 30, 2012, an application ready for review seeking
19 structural reassessment of each of its SPC-1 buildings using current
20 computer modeling based upon software developed by FEMA,
21 referred to as Hazards US.

22 (D) The hospital owner submits to the office, no later than
23 January 1, 2015, plans ready for review consistent with the letter
24 of intent submitted pursuant to subparagraph (A) and the schedule
25 submitted pursuant to subparagraph (B).

26 (E) The hospital owner submits a financial report to the office
27 at the time the plans are submitted pursuant to subparagraph (D).
28 The report shall demonstrate the hospital owner's financial capacity
29 to implement the construction plans submitted pursuant to
30 subparagraph (D).

31 (F) The hospital owner receives a building permit consistent
32 with the letter of intent submitted pursuant to subparagraph (A)
33 and the schedule submitted pursuant to subparagraph (B), no later
34 than July 1, 2018.

35 (3) To evaluate public safety and determine whether to grant
36 an extension of the deadline, the office shall consider the structural
37 integrity of the hospital's SPC-1 buildings based on its Hazards
38 US scores, community access to essential hospital services, and
39 the hospital owner's financial capacity to meet the deadline as
40 determined by either a bond rating of BBB or below or the financial

1 report on the hospital owner's financial capacity submitted pursuant
2 to subparagraph (E) of paragraph (2). The criteria contained in this
3 paragraph shall be considered by the office in its determination of
4 the length of an extension or whether an extension should be
5 granted.

6 (4) The extension or subsequent adjustments granted pursuant
7 to this subdivision may not exceed the amount of time that is
8 reasonably necessary to complete the construction specified in
9 paragraph (2).

10 (5) If the circumstances underlying the request for extension
11 submitted to the office pursuant to paragraph (2) change, the
12 hospital owner shall notify the office as soon as practicable, but
13 in no event later than six months after the hospital owner
14 discovered the change of circumstances. The office may adjust the
15 length of the extension granted pursuant to paragraphs (2) and (3)
16 as necessary, but in no event longer than the period specified in
17 paragraph (1).

18 (6) A hospital denied an extension pursuant to this subdivision
19 may appeal the denial to the Hospital Building Safety Board.

20 (7) The office may revoke an extension granted pursuant to this
21 subdivision for any hospital building when it is determined that
22 any information submitted pursuant to this section was falsified,
23 or if the hospital failed to meet a milestone set forth in paragraph
24 (2), or where the work of construction is abandoned or suspended
25 for a period of at least six months, unless the hospital demonstrates
26 in a publicly available document that the abandonment or
27 suspension was caused by factors beyond its control.

28 (8) Regulatory submissions made by the office to the California
29 Building Standards Commission to implement this section shall
30 be deemed to be emergency regulations and shall be adopted as
31 emergency regulations.

32 (9) The hospital owner that applies for an extension pursuant
33 to this subdivision shall pay the office an additional fee, to be
34 determined by the office, sufficient to cover the additional
35 reasonable costs incurred by the office for maintaining the
36 additional reporting requirements established under this section,
37 including, but not limited to, the costs of reviewing and verifying
38 the extension documentation submitted pursuant to this subdivision.
39 This additional fee shall not include any cost for review of the

1 plans or other duties related to receiving a building or occupancy
2 permit.

3 (10) This subdivision shall become operative on the date that
4 the State Department of Health Care Services receives all necessary
5 federal approvals for a 2011–12 fiscal year hospital quality
6 assurance fee program that includes three hundred twenty million
7 dollars (\$320,000,000) in fee revenue to pay for health care
8 coverage for children, which is made available as a result of the
9 legislative enactment of a 2011–12 fiscal year hospital quality
10 assurance fee program.

11 *SEC. 2. The Legislature finds and declares that a special law*
12 *is necessary and that a general law cannot be made applicable*
13 *within the meaning of Section 16 of Article IV of the California*
14 *Constitution because of the unique circumstances facing hospitals*
15 *in the Counties of Sacramento, San Mateo, and Santa Barbara*
16 *and the City of San Jose that are working on meeting seismic safety*
17 *building standards.*

18 ~~SECTION 1. Section 78230 of the Education Code is amended~~
19 ~~to read:~~

20 ~~78230. (a) For the purposes of this section, the following terms~~
21 ~~have the following meanings:~~

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

24 ~~(A) College of the Canyons.~~

25 ~~(B) Crafton Hills College.~~

26 ~~(C) Long Beach City College.~~

27 ~~(D) Oxnard College.~~

28 ~~(E) Solano Community College.~~

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

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

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

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

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

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

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

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

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

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

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

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

26 (B) The district shall not have received a stability adjustment
27 to state apportionment funding pursuant to Section 58776 of Title
28 5 of the California Code of Regulations in the prior two years.

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

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

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

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

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

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

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

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

24 ~~(e) For a student who is not categorically exempt from~~
25 ~~nonresident tuition, the community college district shall charge~~
26 ~~all statutorily authorized fees applicable to nonresident students,~~
27 ~~including, but not limited to, fees authorized pursuant to Section~~
28 ~~76141 or 76142, for his or her enrollment in courses offered~~
29 ~~pursuant to the pilot program.~~

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

33 ~~(g) An extension credit course shall not supplant any course~~
34 ~~funded with state apportionments and shall not be offered at times~~
35 ~~or in locations that supplant or limit the offering of programs that~~
36 ~~receive state funding or in conjunction with courses that receive~~
37 ~~state apportionment funding. An eligible community college district~~
38 ~~shall not reduce a state-funded course section needed by students~~
39 ~~to achieve basic skills, workforce training, or transfer goals, with~~
40 ~~the intent of reestablishing those course sections as part of the~~

1 extension program. The governing board of an eligible community
2 college district shall annually certify compliance with this
3 subdivision by board action taken at a regular session of the board.

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

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

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

26 (1) ~~Each participating community college district shall develop~~
27 ~~a plan for collecting and disbursing financial assistance provided~~
28 ~~pursuant to this subdivision.~~

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

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

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

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

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

3 ~~(E) Information on the proportion of students whose extension~~
4 ~~program fees are subsidized with financial assistance, the~~
5 ~~percentage of total fees that is paid by financial assistance for~~
6 ~~individual students, with this information aggregated in ways that~~
7 ~~assist in evaluating the consequence and equity of the financial~~
8 ~~assistance program, and the sources of the financial assistance.~~

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

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

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

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

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

39 ~~(3) (A) No later than January 1, 2017, the Legislative Analyst's~~
40 ~~Office shall, pursuant to Section 9795 of the Government Code,~~

1 provide to the Legislature a written report that evaluates the pilot
 2 program established by this article.
 3 (B) The report shall include all of the following:
 4 (i) Summary statistics relating to course offerings, student
 5 enrollment, including demographic data on the students enrolled
 6 in courses, if available, financing, student use of financial aid,
 7 funding, and course completion rates for the pilot program.
 8 (ii) A determination of the extent to which the pilot program
 9 complies with statutory requirements and the extent to which the
 10 pilot program results in expanded access for students.
 11 (iii) An assessment of the effect of the pilot program on the
 12 availability of, and enrollment in, courses that receive state
 13 apportionment funding, with particular attention to the demographic
 14 makeup and financial aid status of students enrolled in those
 15 courses.
 16 (iv) Recommendations as to whether the pilot program should
 17 be extended, expanded, or modified. In making recommendations,
 18 the Legislative Analyst's Office shall consider alternative
 19 approaches that might achieve the goal of expanded access without
 20 increasing state funding.
 21 (m) Courses offered by the extension program established and
 22 maintained under this section may only be offered during summer
 23 and winter intersessions.
 24 (n) (1) No later than March 31, 2014, the Board of Governors
 25 of the California Community Colleges shall adopt reporting
 26 requirements for the pilot program that conform with the
 27 requirements of Article 2 (commencing with Section 84030) of
 28 Chapter 1 of Part 50, and the information reported shall be included
 29 in the annual audit process.
 30 (2) An eligible community college district that fails to comply
 31 with the requirements established by the Board of Governors of
 32 the California Community Colleges for the pilot program pursuant
 33 to paragraph (1) or no longer meets the criteria set forth in
 34 subdivision (d) shall be ineligible for participation in the pilot
 35 program.

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