

# **END OF 2009-2010 LEGISLATIVE SESSION BILLS CHAPTERED**

## **AB 12 (Beall) California Fostering Connections to Success Act**

AB 12 would replace California's CalWORKs Kinship Guardian Assistance Program (Kin-GAP) with a new, similar, federal Kin-GAP (Fed-GAP) program, as specified. This bill would also extend foster care, Fed-GAP, and the Adoptions Assistance Program (AAP) to age 21 for youth who meet specified criteria. This bill makes changes to various statutes governing aspects of foster care and related services, related to the implementation of these changes.

## **AB 142 (Hayashi) California State Lottery**

AB 142 modifies the allocation formula of the California State Lottery Act (Lottery Act or Act) of 1984, also known as Proposition 37. Not less than 87% (an increase of 3% from current law) of the amount of the total revenues shall be returned to the public as follows:

- 1) Not less than 50% of the total revenues shall be returned to the public in the form of prizes, as determined by the Commission. Repeals the requirement that a fixed 50% of the total annual revenues shall be returned to the public in prizes; and,
- 2) The percentage of the total revenues to be allocated for public education shall be established by the Commission at a level designed to maximize the total net revenues for public education.
- 3) Repeals the requirement that at least 34% of the total annual revenues are to be allocated to the benefit of public education.
- 4) No more than 13% (a decrease of 3% from current law) of the total revenues shall be allocated for the payment of expenses of the Lottery.

## **AB 185 (J. Perez) Education: Federal Funds**

This bill appropriates \$903,845,000 from the Federal Trust Fund (Fund) to the Board of Governors of the California Community Colleges (CCC), State Department of Education, University of California, and the California State University for the 2010-11 fiscal year. The CCC will be appropriated \$5,000,000 from the Fund.

## **AB 635 Committee on Accountability and Administrative Review. Public contracts: roof projects**

AB 635 requires an architect, engineer, or roofing consultant to disclose financial relationships with persons in connection with a public school or community college roofing project contract, and redefines equal substitutes allowed for specific roofing materials.

## **AB 867 (Nava) California State University: Doctor of Nursing Practice degree pilot program**

AB 867 authorizes the California State University (CSU) to establish a three-campus pilot program to independently award a Doctor of Nursing Practice (DNP) degree, subject to the following specifications:

Stipulates that the DNP degree shall be distinct from the doctor of philosophy (Ph.D) degree offered at, or in conjunction with, the University of California (UC) and shall allow professionals to earn the DNP degree while working full time.

Requires funding to be provided through the enrollment growth provided to CSU in the annual Budget Act at the agreed-upon marginal cost calculation that CSU receives for graduate enrollment.

**AB 1436 (Portantino) Postsecondary educational institutions: meetings: live audio transmission**

AB 1436 requires public higher education entities, as specified, to make available on the Internet a live audio broadcast of each of its meetings that is open to the public. Specifically, this bill:

- 1) Requires the Board of Governors of the California Community Colleges (CCC), the Board of Trustees of the California State University (CSU), the California Postsecondary Education Committee (CPEC), and the California Student Aid Commission (CSAC) and its auxiliary (EdFund) to make available on the Internet a live audio broadcast of each of its meetings that is open to the public.
- 2) Requires that notice of these meetings and links to the live audio broadcasts be easily accessible via each entity's Internet Web site.
- 3) Requests the Regents of the University of California (UC) comply with these provisions.
- 4) Provides that technical failures do not constitute a violation of this section so long as the entity exercised due diligence in making the live audio broadcast available.

**AB 1643 (Smyth) Alcohol Beverages: Places of Consumption**

AB 1643 removes the prohibition against serving alcohol at a public kindergarten K-12 school housed on the campus of a college, as long as the event is held at a time when children are not present. In addition, the only allowable events at which alcohol can be served in this instance are fundraisers held to benefit a nonprofit corporation.

**AB 1713 (Furutani) California Community Colleges: Reporting Requirements**

This bill consolidates the concurrent enrollment reporting requirements, moves the report for career development courses from March to July, and deletes the outdated reporting requirement on adult education and noncredit data collection.

**AB 1748 (Hill) Alcoholic Beverage Control: Public School Houses**

AB 1748 creates a new exception to the general prohibition against the consumption of alcoholic beverages on publicly owned school property by allowing the College of San Mateo (CSM) to serve alcohol for special events at its dining commons on the campus. Specifically, this bill:

- 1) Expands an exception to the general prohibition against the consumption of alcoholic beverages on publicly owned school property (K-14) for "special events" held at community colleges in a county of the first class (Los Angeles County) and in the county of the fourth class (Alameda County) to also include a public community college located in a county of the 10th class (San Mateo).

**AB 1901 (Ruskin) Postsecondary Education: Master Plan for Higher Education**

States that Legislature will continue to outline in statute the broad policy and programmatic goals of the master plan and clear, concise statewide goals and outcomes for effective implementation of the master plan, attuned to the public interest of the people and State of California, and to expect the system as a whole and the higher education segments to be accountable for attaining those goals. And, consistent with the spirit of the original master plan and the subsequent updates, states that the governing boards be given ample discretion in implementing policies and programs necessary to attain those goals.

**AB 2036 (Bill Berryhill) Public contracts: contract document distribution**

This bill would require a state department and a local agency, upon request from a contractor plan service, to provide an electronic copy of a project's contract documents to the contractor plan room at no charge.

**AB 2058 (Block) Unemployment Insurance: Retraining Benefits**

Modifies the requirements for participating in the state's retraining benefits program in order to allow unemployed people to receive unemployment insurance (UI) benefits while enrolled in a training program on a full-time basis.

**AB 2079 (Torlakson) Student athletes: scholarships**

Requires California postsecondary education institutions that offer athletic scholarships to provide specified information regarding athletic scholarships and renewals, medical expenses, and athletic releases on their Internet Web sites, including

- a) The college's most recent cost of attendance expenses;
- b) The portion of these expenses prohibited, per the National Collegiate Athletic Association's (NCAA) rules, from inclusion in a full grant-in-aid scholarship;
- c) Whether the college provides athletic scholarships for summer school;
- d) The average monthly scholarship payment received by students living on- and off-campus;
- e) Information regarding the college's and NCAA's policies on scholarship renewals, payment of athletically-related medical expenses, and athletic release for student athletes wishing to transfer; and,
- f) NCAA scholarship rules related to verbal offers and National Letters of Intent, as specified.

**AB 2086 (Coto) Cal Grant Program: qualifying institutions: publication of license examination passage rates**

Requires postsecondary institutions to provide information regarding where the public may access license examination passage rates for the most recently available year, if data is electronically available through a web site of a state licensing or regulatory agency. Postsecondary institutions may choose to place an Internet web site address with the required data on the institution's enrollment, application, and/or program information materials. Responsibility for certification of compliance rests with the postsecondary institution.

**AB 2203 (Solorio) Public Postsecondary Education: College Textbooks**

Requires the California State University Trustees, and encourages the University of California Regents, to review internal transfer policies and revise transfer policies to ensure that textbooks selected for transfer or general education courses may be used by the student for as long as the information in the textbook is current and reflects contemporary thinking in the discipline.

**AB 2297 (Brownley) Community Colleges: Nonresident Fees**

This bill would authorize the governing board to adopt a nonresident tuition fee that is no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states with comparable cost of living, as defined. This bill would 1) require the additional revenue generated by the increased nonresident tuition permitted under the changes to existing law made by this bill to be used to expand and enhance services to resident students, and would prohibit the admission of nonresident students from coming at the expense of resident enrollment; 2) require the CCC Chancellor's Office (CCCCO) to make available to the Legislative Analyst's Office (LAO) specified data regarding nonresident student attendance and tuition rates; 3) require the LAO to include, in the annual Governor's budget analysis, a summary of the data made available to the LAO by the CCCCCO as well as

an analysis of the degree to which CCCs have complied with the aforementioned requirements.

**AB 2302 (Fong) Postsecondary Education: Student Transfer**

AB 2302 complements the transfer pathway program established by SB 1440 (Padilla) and requires the California State University and the Office of the Chancellor of the California Community Colleges to work together to establish the most effective methods to inform students, college advisers, and the general public about the associate degree for transfer and help students navigate this transfer pathway, as successfully as possible, including informing community college students of the California State University majors that are considered to be similar to community college majors or areas of emphasis. The final methods determined by the two segments shall be completed prior to the beginning of the fall term of the 2011–12 academic year.

The Chancellor’s Office is required to establish a process to facilitate the identification of community college courses system wide that satisfies lower division preparation requirements and to include this process in a report to be submitted to the Legislature. Community college and CSU faculty are directed to consider existing local articulation agreements in developing the new associate degree for transfer.

The University of California is requested to continue its examination of articulation of lower division major prerequisites in high-demand transfer majors with a goal of working in collaboration with the California Community Colleges to design community college transfer degrees that provide students adequate preparation for entry into a major. The University of California is also requested to consider offering guaranteed eligibility for admission into a University of California campus that accepts a designated community college transfer degree for admission into a designated University of California major. Further, the University of California is requested to implement pathways to qualify community college transfer courses for a designated University of California major by designating a series of community college courses that provide sufficient lower division preparation for a designated University of California major and that will be accepted by the University of California.

The University of California is requested to provide an interim progress report on its review of the various transfer pathways discussed in this section to the relevant policy and fiscal committees of the Legislature on or before June 30, 2011.

**AB 2344 (Nielsen) Nursing: Approved Schools**

AB 2344 redefines “institution of higher education” for the purposes of approving schools of nursing to include community colleges and for-profit private postsecondary institutions offering an associate of arts and/or associate of science degree, and clarifies a nursing school that is not an “institution of higher education” may affiliate with an institution of higher education offering either an associate of arts or an associate of science degree.

**AB 2385 (J. Perez) Pilot Program for Innovative Nursing and Allied Health Care Profession Education at the California Community Colleges**

**Analysis/Summary:** This bill establishes a pilot nursing and Allied Health pilot program at up to five campuses under the direction of the California Community College Chancellor’s Office. Implementation is contingent on the availability of supplemental funds and the Chancellor’s Office is directed to pursue a variety of funding sources. Qualifying programs must provide certified training, include high quality curriculum and have the ability to expand programs as needed. The purpose of the pilot program is to develop innovative models that expand the state’s capacity to prepare a qualified health care workforce. Upon implementation of the pilot

program, the Chancellor's Office will evaluate the effectiveness of the program and report to the Legislature on or before January 1, 2017.

According to the Senate Appropriations Committee, operation of the pilot would likely entail costs of several hundred thousand dollars per campus, likely resulting costs in the millions over the course of the pilot. Assuming a cost of \$100,000 to \$200,000 per campus each year, costs would range from \$2.5 million to \$5 million over five years. Additionally, the CCCCO estimates that costs for the evaluation would be approximately \$85,000 (one time) while administrative workload would be absorbed within the costs of existing personnel. As specified in the bill, the CCCCO will seek a variety of sources to offset costs.

According analysis in the State Assembly, the 2007 Health Workforce Solutions report *Closing the Health Workforce Gap in California*, the allied health workforce represents more than 60 percent of the health jobs in California and more than 200 different occupations. Recent employment numbers available from California Labor Market Information Division and Federal Bureau of Labor Statistics show California has only has 73% of the pharmacists, 65% of the Medical Lab Technologists, and 62% of the Radiation Technologists and Technicians of the national average per 100,000 people. The California Employment Development Department projects that the state will need approximately 240,000 RNs by 2014. **However**, in recent months several news articles have identified newly graduated nurses finding it difficult to secure employment. Articles pointed to the economic downturn forcing veteran nurses to stay in their jobs longer, and some retired nurses to return to work. The stated goal of the bill is to pilot innovative program delivery and curriculum models to enable students to earn degrees and enter the workforce as quickly as possible and expand the state's capacity to train a qualified health professional workforce without compromising the integrity of program and licensure requirements.

#### **AB 2402 (Block) California State University: admissions: procedural requirements**

This bill would require the California State University Trustees to ensure compliance with the following items before adoption of changes in admissions criteria to a university campus when the changes affect the eligibility of applicants residing within the local service area (LSA) of the campus:

- 1) Consult with stakeholders, including the governing boards of school and community college districts, and community organizations located within the LSA of the affected campus;
- 2) Hold three public hearings in the LSA of the affected campus and solicit public comments relative to the proposed change in admissions criteria;
- 3) Provide public notice of the proposed change in admissions criteria with the notice published on the Internet Web site for the affected campus and in three newspapers of general circulation in the LSA of that campus;
- 4) Publish on the Internet Web site of the affected campus all public comments received and all responses by the university to those public comments; and
- 5) Publish on the Internet Web site of the affected campus, and distribute to community officials and local high schools, the university's final decision on the proposed change.

The bill would require these procedures to include specified notice, hearing, and approval requirements, and would prevent a change in admissions criteria that affects the eligibility of applicants residing within the LSA from becoming effective until a period of at least one year or 6 months for a change based on resources, has elapsed after approval of that change by the Chancellor of the California State University. The bill would require the chancellor to report the decision regarding

approval in writing to the trustees at the next regularly scheduled meeting of the trustees.

**AB 2696 (Bass) California Workforce Investment Board: Green Collar Jobs Council**

Requires the Green Collar Jobs Council (GCJC) to analyze regional market data that it develops and collects on California's new and emerging green industries workforce needs, trends, and job growth.

According to analysis by the State Assembly, Following the enactment of the federal American Recovery and Reinvestment Act of 2009 (ARRA), the GCJC has been focusing some of its attention on opportunities for green collar jobs made possible as a result of ARRA.

According to the author's office statement, "With California's unemployment rate at an all time high of 10.5%, California needs to develop short and long term goals to put Californians back to work in jobs that provide a wage. We have an opportunity to make an investment in our existing workforce training infrastructure. Under the federal ARRA, California is receiving over \$400 million in job training funds to be administered through our existing workforce infrastructure. No time is greater than now to form partnerships with state agencies, community colleges, community based organizations, and labor apprenticeship programs to train a highly skilled and well trained workforce to meet the needs of California's growing green economy. According to a recent report by Next 10, titled California Innovation Index 2009, since 2005 the green collar job has continued to grow by 10% and business establishments by 2%, while job growth in other sectors has been only 1%. With the infusion of federal economic stimulus funds California stands to create thousands of jobs in energy efficiency building retrofits, green building, solar and green technology. The time is now to develop much needed workforce training partnerships to better serve California."

**ACR 138 (Nava) California Community Colleges: faculty**

Assembly Concurrent Resolution 138 expresses the intent of the Legislature that part-time and temporary faculty of the California Community Colleges (CCC) receive pay and benefits that are equal to those of tenured and tenure-track faculty of comparable qualifications doing comparable work, as specified, and that the CCCs should increase the percentage of full-time tenured and tenure-track faculty. The Resolution further provides that implementation of these requirements should be subject to a collective bargaining process.

**SB 82 (Hancock) Community Colleges: Transportation Fees**

Existing law authorizes the governing board of a community college district to require students and employees at a campus of the district to pay a fee for the transportation costs incurred by the district or the costs of reducing fares for services provided by common carriers or municipally owned transit systems to students and employees. Existing law limits the amount of that fee to an amount that does not exceed \$60 per semester and \$30 per intersession when combined with a specified parking services fee. This bill would increase the combined limit of the transportation fee and the parking services fee to \$70 per semester or \$35 per intersession. The bill would require these fee limits to increase annually based on the Implicit Price Deflator for State and Local Government Purchases of Goods and Services published by the United States Department of Commerce. The bill also repeals the provisions that prohibit a governing board from entering into, or extending a contract for, transportation services provided by a common carrier or municipally owned transit system unless approved by a vote of the students.

**SB 530 (Dutton) Redevelopment: payments to taxing entities**

This bill applies specified redevelopment pass-through reporting and repayment requirements to redevelopment project areas that were formed before January 1, 1994, and amended after January 1, 1994 to a) increase the limitation on the number of dollars to be allocated to the agency; b) increase, or eliminate the time limit on the establishing of loans, advances, and indebtedness, pursuant to specified statutes; or, c) lengthen the period during which the redevelopment plan is effective if the redevelopment plan being amended contains specified provisions. These calculations can affect tax calculations for K-14 districts.

**SB 650 (Yee) Whistleblower Protection (UC & CSU)**

This bill provides that an action for damages may be brought only if the injured party has filed a complaint and the university has reached or failed to reach a decision within the time limits established by the regents for this purpose. This bill overturns Miklosy v. The Regents of the University of California (2008) 44 Cal.4th 876. This bill would not preclude an employee or applicant of the UC from filing an action to recover damages if the university has not satisfactorily addressed the complaint filed by the employee or applicant within 18 months. This bill provides that it shall only affect an action for damages or other legal remedies arising on or after January 1, 2011.

**SB 1075 (Correa) Military Service: Benefits**

This bill requires that if a student is called to active, full-time military duty that interrupts the individual's course of study, the institution is required to make arrangements to reasonably accommodate and assist the student in meeting all coursework requirements that he or she may have missed due to compulsory military service. This would apply to both private and public postsecondary institutions.

**SB 1143 (Liu) Community College Student Success and Completion**

This bill establishes legislative findings that the CCC Board of Governors (BOG) shall adopt a plan for promoting and improving CCC student success after convening a taskforce to examine best practices within the colleges and effective models throughout the nation that accomplish this objective. Specifically, this bill requires the focus of the taskforce to include, but not be limited to:

- A. Multiple measures of assessing completion and success, including, but not limited to, attaining college-level skills, accumulating college-level course credits, earning a degree or certificate, or transferring to a four-year college or university.
- B. Effective programs for ensuring student completion and success.
- C. Statutory and regulatory barriers to student success.
- D. Best practices for promoting student success and completion, including, but not limited to, basic skills.
- E. Alternative funding options for promoting best practices in student completion and providing necessary services to students.
- F. Alternative funding options instituted in other states.
- G. The effective use of technology for CCC colleges and districts to promote, evaluate, and improve student success.

The bill specifies that the taskforce shall include a broad representation of stakeholders

Requires the CCC BOG, prior to implementation of this plan, to report its recommendations to the Senate Education Committee and the Assembly Higher Education Committee at a joint hearing to be convened no later than March 1, 2012.

The Legislature found that

- 1) The low rate of degree completion among community college students is threatening California's economic future;
- 2) In order to reach the education levels of the most competitive economies, the number of students earning college degrees in California each year must increase by more than 50 percent;
- 3) Over 70 percent of public undergraduate enrollment in California is in the community colleges;
- 4) Only 24 percent of degree-seeking students complete a certificate or associate degree or transfer to a four-year college or university within six years;
- 5) Under current law, community colleges receive most of their annual funds based on student enrollment in the third week of each semester;
- 6) This method of allocating funds creates an incentive for community colleges to enroll students, but no fiscal incentive for those colleges to help students complete their courses and earn degrees (Currently, only about 60 percent of community college courses are successfully completed);
- 7) Many of today's community college students require extensive academic and student support services to remain enrolled and succeed; and
- 8) Community colleges lack the resources and the incentives to invest in this level of student support.

The Institute for Higher Education Leadership & Policy (IHELP) has issued several reports in the last few years calling on California to make CCC student completion, as well as success, a state priority, particularly in light of the need for a more highly skilled workforce. According to IHELP, less than one-fourth of the students who enroll in CCC intending to complete a college program do so, and much of the reason lies with the state's policies. IHELP identifies the current financing system, which funds CCC based on the number of full-time equivalent students (FTES) it reports at a date in the early term, as policy that disproportionately emphasizes the front end of the student's college pathway and does not encourage support or reward for the student's success. Thus, IHELP recommends funding completions along with enrollments, with bonus funding for completion by disadvantaged and under-prepared students.

In addition to funding changes, IHELP recommends the following policy changes, among others:

1. Increase the flexibility in hiring in order to meet student demand.
2. Provide CCC more flexibility in the use of its funds.
3. Allow CCC to keep fee revenues.
4. Remove restrictions on campus-based fees.
5. Develop an affordability policy based on the total cost of college attendance.
6. Revise assessment and placement policies.
7. Revise campus matriculation policies to provide a clear guidance that students can follow to progress quickly toward completion of their selected programs.

### **SB 1332 (Dutton) Radiologic Technology**

SB 1332 requires the Department of Public Health (DPH) to approve schools that meet the Joint Review Committee of Education in Radiologic Technology (JRCERT) standards. The bill also requires the department to adopt the standards through a specified process before approving schools. Since 1996, JRCERT standards have been accepted in lieu of the California Department of Public Health's Title 17 regulations that were established in 1985. SB 1332 would preclude DPH from suddenly enforcing outdated regulations and use the JRCERT accreditation process utilized by the state over the past 14 years, rather than the 1985 regulations.

Title 17 regulations for Radiologic Technology Programs are widely considered to be outdated and not reflective of current needs. CSU and community college program

directors state that compliance with the outdated Title 17 regulations would put their national certification in jeopardy. Even though Title 17 regulations are outdated, DPH has the authority to enforce these regulations. DPH attempted to enforce these regulations in 2007 and numerous college programs as well as clinical placement facilities were put on notice that their programs were deemed out of compliance. This bill clarifies that colleges who meet JRCERT standards are in compliance with the law.

**SB 1382 (Senate Veterans Committee) Student financial aid: Cal Grant Program: methodology**

SB 1382 deletes the provision of law requiring, for all new Cal Grant awards, the California Student Aid Commission (CSAC) to reduce "calculated financial need" by a veterans' education benefit. Federal educational assistance programs for veterans have been authorized by federal law since 1944, including the Montgomery GI Bill and the Post-9/11 GI Bill. In general, veterans' education benefits (VEB) are made available alongside other federal financial aid programs, including grants, loans and work-study programs. State law mandates that CSAC use the same formula as the federal government for calculating student need to award Cal Grants, and requires the calculation for financial need be consistent with the methodology used by CSAC in the 2000-01 academic year.

Prior to 2009, a veteran's federal financial aid package was determined by subtracting the expected family contribution (EFC), including VEB, from his or her cost of attendance (COA), which are obtained from the Free Application for Federal Student Aid (FAFSA) submitted by the student. However, in 2009, the federal law changed, eliminating VEB as a financial resource. The change ensures that a student's VEB cannot be used to decrease the amount of federal need based aid the veteran student can receive.

**SB 1426 (DeSaulnier) State budget**

Under the current State Constitution the Legislature has the power to appropriate State funds and make midyear adjustments to those appropriations. The annual State budget act is the Legislature's primary method of authorizing expenses for a particular fiscal year. Also, under the current State Constitution the Governor is required to propose a balanced budget by January 10 for the next fiscal year (beginning July 1) and the Legislature is required to pass the annual budget act by June 15. Under current law the Governor may also reduce or eliminate specific appropriation items using his/her "line-item veto" power and the Legislature may override a veto with a two-thirds vote in each house. However, once the budget has been approved by the Legislature and the Governor, current law provides the Governor with limited authority to reduce spending during the year without legislative approval. Proposed Law -This bill requires the Director of Finance provide the Legislature updated projections of state revenues and state expenditures on or before October 15 of each year.

**SB 1440 (Padilla) California Community Colleges: Student Transfer**

SB 1440 establishes the Student Transfer Achievement Reform (STAR) Act. SB 1440 requires a community college district to grant an associate degree for transfer to a student in that student's field of study once a student has met degree and transfer requirements for a particular major. Upon completion of the transfer associate degree, the student is eligible for transfer with junior standing into the California State University (CSU) system. This bill would not guarantee a student admission for specified majors or campuses, but would require the California State University to grant a student priority admission to his or her local California State University campus and to a program or major that is similar to his or her community college major or area of emphasis, as determined by the California State University campus

to which the student is admitted. The bill prohibits a community college district or campus from adding local course requirements in addition to requirements of the STAR Act, and prohibits the CSU from requiring a transferring student to repeat courses similar to those taken at the community college that counted toward their associate degree for transfer.

The bill would condition a community college district's receipt of state apportionment funds on its development and granting of associate degrees for transfer, unless each of the state's community college districts waives reimbursement for specified state-mandated costs of implementing the bill in accordance with a prescribed procedure. All community college districts complied.

**SB 1473 (Wyland) School Facilities Bond Proceeds: Performance Audits**

SB 1473 mandates that all Proposition 39 mandatory performance and financial audits conform to the Generally Accepted Government Auditing Standards (GAGAS). GAGAS standards are promulgated under the leadership of the Comptroller General of the United States, who heads the U.S. General Accounting Office.