



# ***THE LEAGUE LEGISLATIVE UPDATE***

**APRIL 14, 2008**

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## **Legislation**

- **Brown Act Repeat:** After a gubernatorial veto last year, legislation to prohibit a majority of members of a local legislative body from using a series of communications of any kind, to discuss or deliberate on any items of business that is within the subject matter jurisdiction of the board, has been reintroduced.

### **SB 1732 (Romero) Opening Meetings Act, as amended:**

- Prohibits a majority of members of a legislative body from partaking in communications of any kind, direct or through intermediaries, to discuss, deliberate, or take action on items of business within the jurisdiction of the body.
- Declares the Legislature’s disapproval of the ruling in the Wolfe v. City of Fremont court case which states in a footnote that a meeting between staff and a legislative body is in violation of the Brown Act if the discussion results in collective concurrence rather than intentionally developing a collective concurrence.

Currently, the Brown Act prohibits use of direct communications, personal intermediaries, or technical devices that are used by a majority of the member of a local legislative body to develop collective concurrence on action item of a local legislative body. This prohibition is known as a serial meeting. Meetings and communications are currently allowed between staff and a member of a legislative body only if they are for informational purposes and not used to develop a collective concurrence.

The League is not opposed to the current prohibition on “serial meetings” in the Brown Act. The League opposes SB 1732 because of the expansion of the prohibitions created in the bill. The insertion of the words “discuss and deliberate” proposed by SB 1732 will make conversations between staff and individual members of the local governing board difficult. It will also severely curtail staff, students, and a CEO’s ability to talk with a board member. Under current law, staff can provide information and discuss an important policy issue with individual members of the board without violating the law. The League believes SB 1732 can be so broadly interpreted to seriously impact the ability of community college staff, personnel, faculty, and students to communicate with individual members of a governing board; and also for bodies such as the academic senate and student body associations. SB 1732 is sponsored by the California

Newspaper Association. The bill passed both the Senate Committee on Local Government (3-0) and Senate Committee on the Judiciary (5-0); and is on the Senate Floor for vote.

- **Grade Changing Policies/ AB 1754 (Hayashi): Community College Grade Changing Policies:** Legislation that was introduced in reaction to a criminal breach of grade and record security at Diablo Valley College is before the full Assembly for vote on the Assembly Floor. AB 1754 requires the State Chancellor to develop a model grade changing policy for distribution to each community college district with expressed encouragement of the Legislature that every community college district establish grade changing policies and procedures consistent with the model. The League views AB 1754 to be unnecessary, costly and not time-sensitive. Early this year, the League, with legal counsel, developed and distributed model policies and procedures to all districts. The League requested and encouraged all community colleges to immediately review their own policies with the League's model policies and procedures and take quick action to ensure that local district policies address the major issues raised by the Diablo Valley College situation. With the State Chancellor's System Office facing over \$1 million in budget and staffing reductions, this bill will only divert resources from existing responsibilities and programmatic activities to meet the requirements of the bill. The League believes that the System Office simply does not have the staffing or funds to add another task, while taking a cut of \$1 million.
  
- **Technology Connect/ SB 1437 (Padilla):** This bill establishes in statute the California Virtual Campus and deems California community colleges (CCC) to be qualifying schools for the California Teleconnect Fund (CTF) Program administered by the Public Utilities Commission (CPUC). The CPUC established the CTF in 1996 to provide a 50% discount on selected telecommunications services to schools, libraries, qualifying hospitals and health clinics, and nonprofit community-based organizations (CBOs) offering healthcare, job training, job placement, educational instruction, and community technology services. The CTF is funded from a surcharge that is a percentage of intrastate phone calls. The discounts are intended to reduce the "digital divide" by ensuring widespread access to technologies. Currently CCC are not eligible to receive the discounts. The Chancellor's Office of the CCC has petitioned the CPUC to expand the CTF to include the CCC. SB 1437 is supported by the California Community Colleges Board of Governors and TechNet California. SB 1437 passed the Senate Committee on Education (8-0), and will be heard April 15, 2008 in the Senate Committee on Energy, Utilities and Communications.
  
- **Dream Act-** Two legislative measures to assist AB 540 students with application and eligibility for institutional financial aid have passed their respective policy committees in the Assembly and Senate. Both bills require community colleges, CSU, and requests the UC, to make AB 540 students eligible for institutional financial aid awards within the respective systems. Institutional aid is defined as grants, scholarships, work-study, and local programs. CAL Grants are not included in the definition. The League supports both bills.
  - **AB 2083 (Nunez): Student Financial Aid** passed Assembly Committee on Higher Education (5-1) and now sits on the Assembly Committee on Appropriation "suspense file" due to estimated costs.
  - **SB 1301(Cedillo): Student Financial Aid** is pending hearing in the Senate Committee on Appropriations on April 21 after successfully passing the Senate Committee on Education.

### Upcoming Legislative Hearings

**April 14, 2008**

**Senate Committee on Public Employment and Retirement-**

- **SB 1123 (Wiggins)** - implements the findings and recommendations of the Public Employee Post-employment Benefits Commission, jointly formed by the Governor and the State Legislature, which concluded the best way to ensure benefits are delivered as promised is to pre-fund them, with actions adopted in public hearings with costs clearly and publicly reported. The bill requires local governing boards to have an actuary present to provide information at any board meeting where adoption of a new benefit will be considered; prohibits adoption of any new benefit by consent calendar; and requires adoption of any benefit change that the person with responsibility of CEO acknowledge in writing that he/she understands the current and future costs of the benefit as determined by the actuary.

**April 15, 2008**

**Assembly Committee on Business and Professions**

- **AB 2995 (Davis) Education Facilities Inspection** - amends the Field Act to do the following: Requires the CA Department of General Services (DGS) to provide competent, adequate, and continuous inspection during construction or alteration of a community college or school facility; the inspector to act under the direction, and to be responsible to, the State DGS; and requires community college and school districts to reimburse the actual costs of performing these inspections to the State DGS from the local district's building funds. The League is opposed to AB 2995.
- **AB 1927 (Galgiani) Vocational Nursing and Psychiatric Technicians' Training** - requires Board of Vocational Nursing and Psychiatric Technicians to facilitate efficient transfer agreements or enrollment models between health occupations programs and regional occupational programs to enable students to complete a program of vocational nursing without unnecessary repetition of course work.

**Assembly Committee on Higher Education**

- **AB 2277 (Eng) Community Colleges: Property Tax Revenue** - appropriates \$80 million to backfill current year property tax shortfall. The League supports AB 2277.

**Assembly Committee on Veterans Affairs**

- **AB 2082 (Salas) Student Financial Aid: Military Service** - requires that when awarding Cal Grant B awards, students serving in the California National Guard for 2 years be given special consideration.

**April 16, 2008**

**Senate Committee on Education**

- **SB 1393 (Scott) Nursing Programs** - clarifying and clean-up legislation to SB 139 (Scott) of 2007. Prohibits community colleges and CSU from requiring a student in a RN program who has a baccalaureate degree to complete any coursework other than what is unique and exclusively required to earn a nursing degree and prohibits district from excluding a nursing student on the basis that the applicant is not a resident of that district or has not completed prerequisite courses in that district.
- **SB 1585 (Padilla) Community College Transfer Students** – See below
- **SB 1620 (Ashburn) Nursing Education** - This bill reduces restrictions on the employment of community college nursing faculty by: (1) authorizing temporary clinical nursing faculty to teach an unlimited number of semesters until June 30, 2014; and, (2) permanently excluding all nursing faculty from existing requirements regarding the proportion of full-time to part-time faculty.

- **SB 1680 (Wyland) Student Financial Aid: Military Benefits** - Authorizes Community Colleges to establish a Military and Veterans Benefit Office with a Military and Veterans Benefit Advisor at each office to assist a specified qualified student (active duty military, national guard, veterans, reserves, and family) in determining eligibility for state and federal education benefits and grants. Several bills have been introduced related to financial aid for members of the armed forces and National Guard.
- **SB 1692 (Padilla) Community Colleges: Public Works: Cost Reductions** - Permits a CC district to provide in any public works contract awarded to the lowest bidder, payment of extra compensation to contractor for cost reduction changes in plans and specifications. Compensation shall be up to 50% of the net savings.

#### **Assembly Committee on Jobs, Economic Development and the Economy**

- **AB 2206 (Price) Economic Development and Small Business Development Centers** - Establishes the Small Business Development Center Program; authorizes Non-Proposition 98 funds be appropriated to the CCC System Office for the Economic Development and Work force Development Program, which would make the Small Business Development Centers eligible for federal matching funds

### **Transfer Legislation Proposed**

In response to increased interest in assisting basic skills students to transfer, Senator Padilla has worked with community college representatives to develop SB 1585. The amendments, which will be in print during the week of April 14<sup>th</sup>, would establish a five-year pilot program to increase the number of community college students who move from basic skills to transfer-level coursework and ultimately transfer to a four-year institution. This program would do so by: providing formalized, in-person, regular community college counseling to basic skills students who identify transfer as their goal; providing consistent and direct interaction with CSU and UC counselors, as well as field trips to university campuses; and expanding community college capacity to monitor the progress of these students in reaching their transfer goals. This bill is expected to be heard on April 16<sup>th</sup> with League support.

### **California Forward Holds Its First Meeting**

California Forward, a very prestigious reform group co-chaired by Leon Panetta, held its first meeting in Sacramento with approximately 100 participants. Staff and members of the Leadership Advisory Council (which includes former BOG member Antonia Hernandez and current CSU Trustee Bill Hauck, as well as former Justice Cruz Reynoso) informed the audience of over 100 invitees that the group intends to reform state government by working with the Legislature where possible, and using the initiative process where necessary. League staff will continue to monitor the meetings and report regularly to the field.

### **New Select Committee on Higher Education Appointed**

Assemblymember Julia Brownley has been appointed chair of the newly-created Select Committee on Higher Education in the 21st Century. The committee will focus on the University of California and the California State University systems' budgets, student fees, enrollment projections, financial aid, long range planning and more. The compacts covering these issues, negotiated in 2004 between the Governor and the university systems but not including the Legislature, will expire in 2011 according to Brownley's office. "I'd like to explore budget transparency and the State's role and responsibility for oversight," Brownley says. "This committee will provide an excellent way for us to prepare for 2012." Contact: Jennifer Mashburn (916) 319-2041.

## **CEO Changes**

- Douglas Houston, interim superintendent/president at Lassen CCD, has received a three-year contract to serve as superintendent/president of that district.
- Lori Gaskin is the interim superintendent/president of Lake Tahoe CCD, effective December 2007.
- Ernest Moreno has returned to East LA College from his interim position at LA Mission; while Judith Valles is the new interim president at LA Mission.
- Ed Gould has been appointed superintendent/president of Imperial CCD, effective April 2008.
- Omero Suarez, superintendent/president of Grossmont-Cuyamaca CCD since 1998, has announced that he will retire in February 2009.
- Andreea Serban, vice chancellor of technology and learning services at South Orange County CCD, has been named superintendent/president of Santa Barbara CCD, replacing John Romo. He is retiring in June. Her start date has yet to be determined.
- Peggy Moore has been named interim superintendent/president of College of the Siskiyous, effective February 25.

## **Other Staff/BOG Changes**

- Randall Hernandez has been re-appointed to the Board of Governors.
- Margaret Quinones did not apply for re-appointment to the Board of Governors, due to health issues.
- Ralph Black, who has held a variety of position in the System Office over the last 22 years, has accepted a new position as Assistant Director of Legislation for the Department of Rehabilitation.
- Michele Siqueiros, who has served as the Campaign for College Opportunity's (CCO) Associate Director since 2004, will become CCO's new Executive Director effective March 31, 2008. She replaces Abdi Soltani who will become executive director of PARSА Community Foundation, which will encourage philanthropy and civic participation in the Iranian American community and the Iranian diaspora throughout the world.
- Mark G. Yudof, now chancellor of the University of Texas system, will take office as UC's president June 16. He succeeds Robert C. Dynes, who continues as a faculty member at UC and will assist Yudof throughout the transition period.
- E. Jan Kehoe, CEO of the CCLDI, has announced that she will retire in June.