



THE LEAGUE LEGISLATIVE UPDATE

APRIL 12, 2010

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Legislation

The next few weeks will be consumed by numerous and lengthy hearings as legislators are faced with the April 23rd deadline for legislative policy committees to hear and pass bills introduced in house of origin that have fiscal considerations. We find that as the first policy hearings approach for many of the bills introduced in 2010, amendments are numerous, many times morphing into very different bills. League staff is continuing to monitor and review the many changes.

Reoccurring policy themes for community college bills appear to be: transfer, student success, financial aid, textbook costs, innovative delivery of education, fee policies, workforce development, accountability/student completion linked to finance, part-time faculty rights and benefits. Legislators, state and federal, continue to express increased interest in the issue of student transfer and completion, often focused on student success in the community colleges. Several bills addressing community college student success include: AB 1917 (Davis), AB 2302 (Fong), AB 2449 (Furutani), AB 2542 (Conway), SB 1126 (Liu), SB 1143 (Liu), and SB 1440 (Padilla).

AB 656 (Torrico) has been amended, as promised, to reinstate the oil severance tax proposal which would generate \$1.1 billion for higher education including \$312 million for community colleges.

The following policy hearings are scheduled.

April 14- Senate Education Committee

- SB 969 (Florez) Postsecondary Education Fee Policy
- SB 1460 (Cedillo) Student Financial Aid: Dream Act/ AB 540 eligibility

April 14- Assembly Appropriations Committee

- AB 1713 (Furutani) Community Colleges: Reporting Requirement

- AB 1761 (Fong) Cal Grant B Awards: Award Amount
- ACR 138 (Nava) California Community Colleges: Faculty

April 20- Assembly Higher Education Committee

- AB 1892 (Mendoza) Community College: Part-time Faculty Health Insurance
- AB 1901 (Ruskin) Postsecondary Education Master Plan
- AB 2109 (Ruskin) California Community Colleges: Employees: Appointments
- AB 2302 (Fong) Student Transfer
- AB 2385 (J Perez) Accelerated Nursing and Health Care Professions: community colleges
- AB 2402 (Block) CSU: Admissions
- AB 2482 (Furutani) BOGCCC Consultation Council: Mandate additional classified representative
- AB 2542 (Conway) Community College: Accelerating Student Success

April 21- Senate Education Committee

- SB 1045 (Alquist) Textbooks
- SB 1143 (Liu) Community College Funding
- SB 1227 (Runner) School Facilities: Construction
- SB 1440 (Padilla) community Colleges: Student transfer

May 4- Assembly Higher Education Committee

- AB 1895 (Ruskin) Postsecondary Education: Donahoe Act
- AB 1997 (Portantino) Community College: Student financial aid
- AB 2447 (Furutani) Student Financial Aid: Cal Grant
- AB 2448 (Furutani) Public Contracts: Community colleges

Community College Legislative Program

Two legislative measures, implementing the 2010 BOGCCC Legislative Program, passed unanimously from the Assembly Higher Education Committee and are pending in the Assembly Appropriations Committee. Letters of support are encouraged. They are:

- AB 1713 (Furutani): Community Colleges: Reporting Requirement
- AB 2682 (Block): Community Colleges: Centralized student assessment program

Assembly Speaker Changes Legislative Leadership & Committees

When John A Perez recently took office, as Speaker of the California Assembly, he made changes to the Assembly Leadership as well as several Assembly Committees. Below are some of the changes that he made:

Speaker pro Tempore: Fiona Ma
Asst. Speaker pro Tempore: Isadore Hall
Majority Floor Leader: Charles Calderon
Asst. Majority Floor Leader: Kevin De Leon
Majority Policy Leader: Mike Feuer
Majority Whip: Noreen Evans
Asst. Whip: Lori Saldana
Democratic Caucus Chair: Jerry Hill
Rules Committee Chair: Nancy Skinner

Budget Subcommittee on Education Finance

Chair: Wilmer Amina Carter
Bill Berryhill
Julia Brownley
Wesley Chesbro
Jean Fuller
Sandre Swanson
Alternates: Bob Blumenfield & Jim Nielsen

Assembly Higher Education Committee

Chair: Marty Block
Vice Chair: Chris Norby
Anthony Adams
Wesley Chesbro
Paul Fong
Jean Fuller
Cathleen Galgiani
Anthony Portantino
Ira Ruskin

Other committee changes can be found at: <http://latimesblogs.latimes.com/files/committees-letters.pdf>

Master Plan Hearings

On Wednesday, March 10th, the Joint Committee for Review of the Master Plan for Higher Education held its fourth hearing, on the topic of eligibility, admission, articulation and coordination.

Among the speakers was Nancy Shulock who used data from her study, *Crafting a Student-Centered Transfer Process in California: Lessons from Other States*, available at: http://www.csus.edu/ihelp/PDFs/R_Transfer_Report_08-09.pdf

This study examines transfer policies of eight states, identifies some key dimensions of emerging policies, and offers recommendations for policies that would increase transfer success and lead to more college educated Californians to help meet workforce needs.

Following her presentation, legislators expressed concern about the added importance of good transfer policies and subsequently have introduced several transfer bills:

- AB 440 (Beall) which would authorize ccs to grant associate degrees for transfer with 60 transferable units including a major or area of emphasis and meeting minimum requirements for transfer;
- AB 2302 (Fong), a spot bill;
- AB 2752 (Blakeslee), a spot bill;
- SB 1126 (Liu) Articulation and transfer for early childhood education and related majors.

The League has already begun to work with the Chancellor's Office and district representatives to shape these bills and make them as workable as possible.

Community colleges were represented by Rita Cepeda, president of San Diego Mesa College, who provided members with a summary of efforts to improve transfer and coordination among the segments. She concluded by arguing that California needs "to accept fundamental, structural, procedural and fiscal policy changes in three basic areas:

- Capacity -- including not just seating and building space, but also resources to maintain quality in our educational delivery programs;
- Establishment of a Transfer Associate degree which is universally accepted in complete fulfillment of lower division transfer requirements guaranteeing junior standing for all students; and
- Elimination of funding policies that constrain transfer in all segments of public postsecondary education.

On Monday, March 22nd, the committee received testimony on accountability and were informed that it is "the public presentation and communication of evidence about performance in relationship to goals that reflect the public agenda." Members were told by various presenters that each of the three public higher education systems has good data, but these data need to be linked to determine if they meet a set of still-to-be-adopted statewide goals. They were also informed that, in setting the goals and determining whether they are met, college-by college data would not be included because it tends to overload the system with too much data; institutions would not be compared; and negative consequences should not be imposed for shortcomings, but accountability should focus on gaining the information necessary to determine appropriate changes to the public higher education system.

Nancy Shulock also informed the committee that earlier legislatures had adopted two good bills, SB 1331 (Alpert and Scott) in 2004 and SB 325 (Scott) in 2008, but both were vetoed because the Governor was seeking institutional accountability that included penalties for low performance, and because the issue of management of the system was not resolved. (All the higher education segments opposed management and coordination by CPEC.)

Speakers explained that legislators should set goals and require the data necessary to determine if those state goals (such as the percentage/number of adults with a college degree; or the percentage/number of health providers) are being met.

Texas was cited as an appropriate model as they have five measures (which is similar to the measures contained in California legislation vetoed in 2004 and 2008) and a representative of its coordinating commission asserted that success rates have increased by 70% since introduction of its accountability system. (In discussing their coordinating commission, Assemblymember Ruskin about the involvement of the segments, noting that there seemed to be too much representation by the segments on CPEC; the response was that all (nine) Texas commissioners are appointed by the Governor.)

There were speakers from each of the public higher education segments on their particular accountability system, with Brice Harris representing community colleges. In his testimony, he urged members not to limit access to increase success, noted that 892 reports were already required annually, and urged the committee to do the following:

- 1) Work to reduce the overlap in reporting requirement;
- 2) Attempt to make as few changes as possible in long-term data so that comparisons could be made over time;
- 3) Encouraged agencies to leverage Chancellor's Office data rather than seek information already in the "data mart" from the colleges;
- 4) Avoid pay-for-performance since there is little evidence that it leads to better performance and may harm access; and
- 5) Focus on the most important data.

Steve Boillard stressed the importance of comparability between systems of higher education, and the need to set state policies (including a fees and enrollment targets for CSU and UC), and stressed the need for performance linked to policy and budget choices. He also urged legislators to clarify goals and targets with a limited number of variables in the design of an accountability system.

For-Profit Colleges Respond to Criticism

In response to recent criticism of for-profit colleges, Corinthian Colleges, a major player in the for-profit sector, commissioned a study by the Parthenon Group, which suggests that for-profit colleges do a better job educating students than community colleges, even while serving a more at-risk population and for a comparable sum of money.

Corinthian Colleges order the study "in response to the hyperbole, insinuations, that they were not delivering value." This, the fast-growing sector, has a reputation for charging students too much, overselling the market value of their services and leaving students deep in debt.

The study examines US Department of Education survey data and concludes that, when compared to community colleges, for-profit colleges:

- Are adding capacity at a faster rate;
- Serve a greater percentage (54%) of high-risk students;
- Have a higher success rate;

- Receive more funding, on average (although this comes primarily from tuition);
- Have students who start out with lower income but yield a great earnings gain through their studies;
- Report that their students are less likely than community college students to report that they were surprised by how much they owed at the end of their studies.

California Forward (CF) and State Reform

California Forward, a bipartisan coalition seeking reform of state government, determined in the last few weeks that they did not have the funds to mount a full-scale initiative signature campaign, so they have decided to go through the Legislature to have their measures placed on the ballot. This will be a difficult process since one of their reforms calls for the elimination of the 2/3 vote requirement – yet it will take a 2/3 vote of the Legislature to place that measure on the ballot.

On March 22nd, CF commissioners testified to the Assembly and Select Committees on Improving State Government and received the support of AARP, the California State Building and Construction Trades Council, the Kern County Taxpayers Association, California Church IMPACT and others. Bob Hertzberg and Bruce McPherson (both former legislators – the former a Democrat and the latter a Republican) testified in support of the reforms, to favorable comments by lawmakers of both parties.

The next step will be a hearing and vote on April 12th in the Senate Budget Committee. The California Forward fiscal reforms, include the following bills: AB 1638, AB 2591, ACA 4, SB 844, SB 845, SCA 19,

These bills would do the following:

- Require that new programs identify a funding source for any new spending they require;
- Require the Governor and Legislature to set clear goals for programs, measure their results and effectiveness when making budget decision, monitor performance to improve efficiency, and consider eliminating outdated and duplicative programs;
- Require the Governor and Legislature to craft two-year budgets with midcourse correction authority, and provide long-term revenue forecasts and capital investment plans;
- Reduce future budget shortfalls by prohibiting the use of unexpected revenue spikes to increase spending on programs that continue year after year;
- Reduce the likelihood of budget stalemates by changing the legislative vote requirement for budget approval to a simple majority while retaining the two-thirds majority vote requirement for tax increases;
- Clarify the circumstances in which the Legislature and the Governor can impose fees without a 2/3 vote to those areas with a clear and justifiable nexus to the service provided;
- Give communities more control over community-related services and prevent the state from siphoning off local revenue by giving local governments legal ownership of specified funds for community services;
- Encourage community level governments to coordinate and consolidate districts when this makes sense;

- Allow cities, counties and school officials who craft long-term flexible plans to address community needs to seek majority vote approval to provide funds to pay for them, while retaining the vote thresholds established under Proposition 218.
- Reduce the total time newly-elected state legislators are allowed to serve from 14 years to 12, regardless of whether the time is spent in the Assembly or Senate;
- Require legislators to spend part of every year in their district, including consultation with constituents and local leaders.

Federal Appointment

President Obama has nominated Eduardo M. Ochoa, provost and vice president for academic affairs at Sonoma State University, as assistant secretary for postsecondary education. Although the job of assistant secretary for postsecondary education is regarded as one of two key higher-education posts within the Education Department, the position has been vacant since Mr. Obama took office more than a year ago. He nominated Martha Kanter for the other top postsecondary job, undersecretary of education, last April, and her appointment was confirmed in June. If Mr. Ochoa's appointment is confirmed, he would report to Ms. Kanter, who also came from California, where she previously was chancellor of the Foothill-De Anza Community College District.

CEO Changes

- Robert Silverman, superintendent/president of Victor Valley College since 2007, has resigned.
- Raghu Mathur, chancellor of South Orange CCD since 2002, will be leaving the district in June.
- Gaither Lowenstein, vice president of Norco College, has been appointed the new president of Modesto Junior College. He will replace interim MJC President Kenneth White on July 1st.