



THE LEAGUE LEGISLATIVE UPDATE

APRIL 13, 2009

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Legislation

- **Overview of Issues** – Legislative issues that are of importance this year are: accountability, Brown Act/open meetings/ethics, career technical education, concurrent enrollment, DREAM Act, executive compensation, economic stimulus, facilities and bonds, finance, financial aid, foster youth, foundations, green collar jobs, nursing, repeal of AB 540, student services, textbooks, Title IX compliance, veterans, workforce development, 50 percent law, 75/25 full-time/ part-time faculty, and transfer.
- **Title IX Compliance** – After hearings conducted last fall by the Senate Select Committee on Gender Discrimination and Title IX Implementation, chaired by Senator Florez, legislation has been introduced to improve state compliance and enforcement of federal Title IX. **SB 195** (Florez) amends the State Equity in Higher Education Act to require a postsecondary education institution, prior to receipt of state assistance and financial aid, to provide assurance that each program and activity of the institution will be conducted in compliance with federal law prohibiting discrimination on the basis of gender (Title IX). The bill also requires signed assurance of compliance by a Title IX compliance officer and college CEO. A person who declares the information to be true, but they know is false, will be subject to civil penalty up to \$50,000. **SB 248** (Oropeza) requires school districts, community college campus CEOs, and CSU campus presidents, to place the list of rights accorded for pupils under Title IX on the internet and on the entrance to campus gyms and locker rooms.
- **Textbooks** – The cost of college textbooks continues to be of interest to the Legislature. **SB 48** (Alquist) requires publishers to make textbooks available in electronic format, but

allows the cost of the online version to be the same as the printed version. **SB 216** (Liu) requires CCC and CSU campuses to post a list of required textbooks and costs on their website at least 30 days before the first day of class. **SB 386** (Runner) requires faculty to justify the adoption of new editions of textbooks by performing a cost-benefit analysis and submit the analysis to the academic senate, administration, and student government. **SB 388** (Calderon) requires publishers to disclose in writing to any faculty member or entity charged with selecting textbooks, the amount that the textbook would be made available to the campus bookstore. The bill would require the publisher to make the textbook available at that price for 6 months and would require the publisher to inform the institution 45 days in advance of any price increase. The bill would also require the publisher to inform the institution of previous editions the substantial content revisions made from the previous edition, and require a publisher to provide bundled textbooks and supplemental material separately.

- **Fifty Percent Law – AB 581** (Torlakson), sponsored by the CA Teacher’s Association, which would require the State Chancellor to conduct random audits of five community college districts for 50% law compliance, passed the Assembly Higher Education Committee and now is for the Assembly Appropriations Committee. **AB 1157** (Block), backed by ACCCA, proposes to expand the definition of expenditure of classroom instructor’s salaries for purposes of the 50% law and is scheduled to be heard by the Assembly Higher Education Committee on April 21st. The bill proposes to include counselors and most object code 1000 expenditures and would require by the 2010-2011 fiscal year that 52% of districts’ current expense of education funds be expended for classroom instructors’ salaries.

A complete list of bills being followed by the League with positions will be posted on the League’s website next week.

Bills of Interest---Upcoming Hearings

April 15

- **Senate Education**
SB 195 (Florez): Equity in Higher Education / Title IV
SB 217 (Yee): Public Postsecondary Education; Executive Salaries
SB 271 (Ducheny): Facilities Bond Act
SB 515 (Hancock): Career Technical Education
SB 574 (Hancock): Community College: Inmate Education
- **Senate Local Government**
SB 711 (Leno): Brown Act: Labor Negotiations
- **Assembly Education Committee**
AB 78 (Portantino): Concurrent Enrollment

April 21

- **Assembly Higher Education**
AB 386 (Ruskin): Disabled Students – BOG sponsored
AB 551 (Furutani): Property Tax Backfill
AB 555 (Furutani): Community College Secondary School Pupil Partnership

AB 867 (Nava): CSU: Doctor of Nursing Practice
SB 947 (Brownley): Nonresident student fee: Capital Outlay
AB 1157 (Block): Community College: Salaries of Classroom Instructors: 50% Law
AB 1182 (Brownley): Public Postsecondary Education: Reporting
AB 1207 (Logue): Exemption from Non-Resident Student Tuition: Elimination of
AB 540 Student Fee Exemptions
AB 1240 (Davis): Community Colleges: Leasing of Buildings
AB 1393 (Skinner): Foster Youth
AB 1400 (Fong): Community Colleges: Expulsion of Students

April 29

- **Senate Education**

SB 182 (Ashburn): Community College Nursing Faculty
SB 386 (Runner): College Textbooks

Subcommittee on Education Governance and Accountability

The Senate Rules Committee has created a Subcommittee on Education Governance and Accountability under the Senate Education Committee. Senator Gloria Romero will lead the panel, joined by Senators Carol Liu and Mark Wyland.

Pooled Money Investment Board Meeting

The Pooled Money Investment Board (PMIB) met on April 6th to discuss the freeze of loan disbursements from the Pooled Money Investment Account. The successful General Obligation Bond sale totaled \$6.5 billion – almost \$2.5 billion more than expected, and the third largest tax-exempt bond sale in U.S. history. Although the sale yielded a better than expected result, there is still no definitive date when districts will be reimbursed for their Capital Outlay projects. It is expected the PMIB will first reimburse “exempt” projects, the next tier will most likely be projects for which claims were submitted prior to December 18th (the date of the “freeze” on loan disbursements), and the next tier would most likely be claims submitted post December 18th. While the payment date is still uncertain, a Department of Finance Budget Letter indicates “the state intends to eventually pay the costs to which it has committed through a valid agreement” and hence districts that advanced local funds on state funded projects will eventually be reimbursed.

Gov. Schwarzenegger Creates Federal Economic Stimulus Task Force

Gov. Schwarzenegger has created a "Federal Economic Stimulus Task Force," with responsibility to track California's share of American Recovery and Reinvestment Act (ARRA) funding. In conjunction with President Obama's administration, the Task Force will help cities, counties, non-profits, and others access the available funding. The Task Force ensures that the money will be spent efficiently and effectively. Leading the group will be Cynthia Bryant, Schwarzenegger's deputy chief of staff. Chief Deputy Director Ana Matosantos of the Dept. of Finance will be the task force's deputy coordinator. Other members are: Fred Klass, Dept. of

Finance; Teri Takai, state chief information officer; Luis Portillo, director of Schwarzenegger's Constituent Affairs Office; Jeffrey Barker, Schwarzenegger's Office of Communications; Joe Munso, Health & Human Services Agency; Will Kempton, Caltrans; Lynn Jacobs, Housing & Community Development Agency; Todd Ferrara, Resources Agency; Patty Zwarts, Cal/EPA; Tracy Arnold, Schwarzenegger's director for Jobs & Economic Growth; Kathy Gaither, Office of the Secretary of Education; and Jaime Fall, Workforce & Development Agency.

American Recovery and Reinvestment Act

The federal government released American Recovery and Reinvestment Act (ARRA) guidelines for the initial funding for the State Fiscal Stabilization Fund Program on April 6, 2009. On April 9, 2009, Governor Schwarzenegger announced that the Governor's Recovery Task Force submitted an application to the US Department of Education, making California among the first in the nation to apply for the ARRA funds.

Under the federal guidelines, as part of the application for stabilization funding, a state must ensure that it will implement strategies to: (1) increase teacher effectiveness and address inequities in the distribution of highly qualified teachers; (2) establish and use a pre-K through - college career data system to track progress and foster continuous improvement; (3) make progress towards rigorous college and career-ready standards and high-quality assessments that are valid and reliable for all students, including limited English proficient students and students with disabilities; and (4) provide targeted, intensive support and effective intervention to improve schools identified for corrective action and restructuring. Four principles guide the distribution of the funds: (1) spend funds quickly to save and create jobs, (2) improve student achievement through school improvements and reform, (3) ensure transparency and accountability and report publically on the use of funds, and (4) invest one-time ARRA funds thoughtfully to minimize the "funding cliff."

The Governor signed the application for California to quickly receive \$6 billion in federal stimulus funding with a large portion of it going to education. The funds, unfortunately, are not currently earmarked for California community colleges. When received, the majority of the funding will go directly to California K-12 schools and the remaining funds are to be distributed to UC and CSU campuses. Community colleges may receive a small amount of funding from the initial federal dollars but the purpose was to backfill budget cuts made to the other segments. Because the community college budget was not significantly impacted when the state budget was signed, this first round of funding will have limited impact on community colleges.

A new website has been established by the Governor's Office to track California's share of federal stimulus dollars. - www.recovery.ca.gov.

The California Workforce Association (CWA) also has information on the American Recovery and Reinvestment Act. The CWA website is www.calworkforce.org.

May 19th Initiative Measures on April CEOCCC and CCCT Agendas

At their April meetings, the CEO and CCCT boards will hold a full discussion and take positions on the six budget-related initiative measures on the May 19th Special Election ballot. In brief, these measures are:

- *Proposition 1A*: Would limit state spending to a 10-year average of state revenues, strengthen the state's "rainy day" fund, and establish a funding stream to restore \$9.3 billion owed to schools. It also would extend the tax increases included in the budget until 2012-13; they would otherwise expire at the end of 2010-11.
- *Proposition 1B*: Recognizes a \$9.3 billion state obligation to schools and community colleges in lieu of money owed to them between 2007 and 2009 under the Proposition 98 guarantee.
- *Proposition 1C*: Modifies the state lottery so the state can sell bonds backed by lottery proceeds, and use it to transfer \$5 billion into the 2009-10 budget.
- *Proposition 1D*: Shifts \$876 million in First Five Commission funds through 2014 to help fill the general fund gap and provide direct health care and education services.
- *Proposition 1E*: Redirects \$462 million over two years from Proposition 63 mental health programs to fund other health programs for low-income children, thereby saving the general fund from funding those programs.
- *Proposition 1F*: Bans state officeholder pay raises in years when the state has a deficit.

Educators and non-partisan groups are split on their recommendations with the California Teachers Association supporting all measures, the California Federation of Teachers opposing all measures except Proposition 1B which they support, and the League of Women Voters opposing all measures except Proposition 1B and 1F, on which they are neutral. League staff is recommending a position of "support" on all measures and will be encouraging local boards to do the same if the CEO and trustee boards agree.

Federal DREAM Act Re-introduced

The Federal DREAM Act has been reintroduced in the US House of Representatives by Representative Howard Berman (H.R. 1751) and in the US Senate by Senator Richard Durbin (S.729) which would provide undocumented immigrant youth in the United States with conditional residency and a pathway to citizenship provided they came here before the age of 16 and maintained continuous residence for five years, graduate from high school or obtain a GED, attend two years of college or join the military, and have no criminal record. The League has drafted a resolution for adoption by local districts as well as a sample letter in support of these measures.

BOG Reappointments

• Lance Izumi, 50, Sacramento, Republican, senior fellow and director of education studies, Pacific Research Institute for Public Policy; and Gary Reed, 62, Porterville, Republican, partner, Reed, Shoemaker & Brookshire (investment management firm) have been re-appointed by

Governor Schwarzenegger to the Board of Governors. They have one year in which to be confirmed by the State Senate.

Appointment to the US Department of Education

Martha J. Kanter, chancellor of the Foothill-De Anza Community College District is President Obama's choice for undersecretary of education. In the latest sign of the growing national prominence of community colleges, President Obama has named the chancellor of the college district to the government's top postsecondary education position. When confirmed by the Senate, Dr. Kanter would become the first community college leader to hold the Education Department's No. 2 job.

Staffing Changes

- Paige Marlatt Dorr has been appointed director of communications for the Chancellor's Office of the California Community Colleges.
- Bob Hertzberg, former Assembly Speaker, a partner at Mayer Brown LLP, and founder of G24 Innovations, has been named co-chair of California Forward (along with Thomas McKernan, CEO of the Automobile Club of Southern California) in place of Leon Panetta who has been appointed director of the Central Intelligence Agency.
- Tony Ewing, research director for CA Forward, has been appointed director of the CA Research Bureau.
- William Hauck, CA Business Roundtable, has been reappointed, and Linda Lang, chair and CEO of Jack in the Box, has been appointed to the California State University Board of Trustees.

CEO Changes

- Gregory W. Gray, president of Miami Dade College's Kendall campus, is the new chancellor of the Riverside CCD.
- Ken Yglesias, chancellor of Coast CCD since 2004, will retire in June 2009. Ding-Jo Currie will continue serving as acting chancellor until an interim chancellor is selected.
- Ed Hernandez, chancellor at Rancho Santiago CCD since 1997, has announced that he will retire in June 2009.
- Robert Dees, president of Orange Coast College since 2005, will retire June 2009.
- Phil Hartley, president of West Valley College since 2004, will retire June 2009.
- Jowel Laguerre, vice president of academic affairs at Truckee Meadows Community College, has been appointed superintendent/president of Solano CCD.