



THE LEAGUE LEGISLATIVE UPDATE

MAY 4, 2009

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Legislation

Upcoming Hearings

Senate Appropriations – May 4

- SB 216 (Liu): Textbooks
- SB 574 (Hancock): Community Colleges Inmate Education – Would waive open class requirements for classes in state correctional facilities.

Senate Judiciary – May 5

- SB 218 (Yee): Public Records: Non-Profits

Assembly Elections and Redistricting – May 5

- AB 10 (Hagman): Public Funds: Legal Actions – Prohibits a local agency, state agency, or organization that represents local agencies, to enjoin the operation of any law or constitutional amendment proposed by an initiative petition and approved by the people at a general or special election.

Assembly Higher Education – May 5

- AB 440 (Beall): Community Colleges: Student Transfer: Transfer AA
- AB 492 (Conway): Community Colleges: Nursing Faculty
- AB 669 (Fong): Foster Youth: Postsecondary Education Residency Requirements – System Legislative Program
- AB 1095 (Hill): Full Time Faculty – Prohibits waivers by the BOGCCC of the 75/25% “requirement” and states legislative intent that 75% of the hours of credit instruction be taught by full-time faculty by the 2013-14 fiscal year.
- AB 1215 (De La Torre): Temporary and Part-time faculty

- AB 1455 (Hill): Community Colleges: Baccalaureate Degrees
- AB 1569 (Assembly Veterans Committee): Veterans: Postsecondary Education Tuition
- ACR 31 (Ruskin): Community College Faculty

Senate Education – May 6

- SB 48 (Alquist): Textbooks: Electronic versions
- SB 388 (Calderon): Educational Materials

Senate Revenue and Taxation-May 13

- SCA 6 (Simitian): Taxation: Educational Entities: Parcel Tax

Education Bonds

SB 271 (Ducheny): Higher Education Bonds: Would enact the Higher Education Facilities Bond Act of 2010 to issue and sell an unspecified amount of general obligation bonds, only to be operative if approved by voters at the next statewide general election. The bill specifies distribution of the proceeds as follows: \$2.6B for community colleges, \$2.2B for CSU, and \$2.2 B for UC. The bill also states that not more than 10 percent of the moneys allocated for the construction of a facility may be used to mitigate off-site infrastructure impacts of the facility and funds may be used for this purpose only if the state or local public agency with jurisdiction over the impacted infrastructure provides matching funds in an amount equal to the amount paid by the college. The Chancellor’s Office analysis of total facilities needs for the system over the next ten years estimates \$35.7B. Considering local contributions and local bonds, the state contribution need is an average of \$3.6B every two years. The bill is in the Senate Appropriations Committee.

Education in the Prisons

While community colleges pursue two legislative measures (SB 538 and SB 738) to provide for more education in state prisons, the Senate Rules Committee recently voted to confirm Matthew Cate as secretary of the Department of Corrections and Rehabilitation, but only after Mr. Cate agreed to submit a “benchmarks” report to members setting rehabilitation and education goals. Leading the charge for more education was Senate President Pro Tem Darrell Steinberg who pressed Cate on why so few inmates receive education, training, or counseling to keep them out of trouble after release from prison. Specifically, Steinberg noted that, out of a population of 155,000 in traditional state prisons, Cate’s goal was to have only 15,837 prisoners in academic classes by June 2010. His report cites a survey of inmates that found that 55% of prisoners have a moderate-to-high academic and vocational need, and 60% have a moderate-to-high need for substance-abuse counseling.

The passage of SB 538 and SB 738 would mean elimination of the open-course requirements for community college classes and a new Robert E. Burton Correctional Education Committee would be formed (including the Chancellor of the California Community Colleges and the State Superintendent of Public Instruction) which will be charged with advising the Deputy Director of Correctional Education about various goals and objectives including development of a 5-year comprehensive plan for a unified correctional school system.

Property Tax Shortfall

The Assembly Higher Education Committee met on Monday, April 27th and heard AB 551 (Furutani), the Administration's proposal to address the community college property tax shortfall problem. The bill passed out of committee, although most community college organizations were neutral on the bill pending further analysis. The bill reduces the amount of property taxes earmarked for community colleges and replaces them with State General Fund dollars. The Administration is committed to solving the community college property tax problem, and believes this is a reasonable solution and perhaps the only one they will support. However, concerns have been expressed about the shift into more of a state-funded system and the possible instability it could create, as well as the impact to current and prospective excess local property tax districts. The committee moved the bill to the Appropriations Committee and the author committed to working with all concerned stakeholders as the bill makes its way through the process.

Challenge to Proposition 209 – Elimination of Affirmative Action

Attorney General Jerry Brown has filed a suit (*Coral Construction vs. San Francisco, S152934*) with the California Supreme Court challenging the constitutionality of Proposition 209, which prohibited affirmative action (race or gender preferences) in state and local government contracting, employment, and education programs. While a federal appeals court upheld the measure in 1997, the state Supreme Court never ruled on its validity.

Mr. Brown argued that while the US Supreme Court has set strict constitutional standards for judging race-conscious programs, including a history of discrimination against a group and a design to promote a legitimate goal that cannot be met in other ways, Proposition 209 goes further and prohibits programs that the US Constitution allows, without justification. Specifically, “[i]t closes a door to race- and gender-conscious programs that the 14th Amendment leaves open” because the 14th Amendment requires states to provide equal protection under the law to all citizens.

Select Committee on Community Colleges

Assemblymember Van Tran has been appointed to the Select Committee on Community Colleges. The Committee is chaired by Mary Hayashi. Other assemblymembers include: Block, Brownley, Fong, Furutani, Gaines, Hall, Skinner, and Torlakson. The Select Committee anticipates hearings on the ARRA/federal stimulus and the role of community colleges, textbooks, nursing and allied health, and mental health services for students.

Recent Research Studies

Closing the Gap: Meeting California's Need for College Graduates. Hans Johnson and Michele Siqueiros. Public Policy Institute of California, April 2009.

http://www.ppic.org/content/pubs/report/R_409HJR.pdf

This report finds that California will face a shortage of nearly one million college graduates by the year 2025 and presents the view that this gap could be cut in half to 500,000 by modest investments in programs aimed at: (a) expanding college attendance rates, (b) increasing transfer rates from community colleges to four-year institutions, and (c) boosting graduation rates at four-year institutions.

Federal Appointments

- President Obama has nominated a second community college leader for a post at the Education Department. Glenn Cummings, dean of institutional advancement at Southern Maine Community College and a former speaker of the Maine House of Representatives, has been chosen to serve as the assistant secretary of education for vocational and adult education.