



CPEC

Legislative Update, September 2010

California Postsecondary Education Commission
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This update contains analyses of legislative initiatives being tracked by CPEC staff, including bills that have been introduced since the June Commission meeting. It has positions as adopted in the Commission meeting on September 28.

A matrix of bills tracked by CPEC staff is on page 9.

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Access

AB 2047 (Hernandez) Public postsecondary education: admissions policies

Vetoed by Governor on September 30, 2010

Commission position — Support

This bill has recently been amended to clarify the circumstances under which UC and CSU can use demographic factors in admission decisions. It allows UC and CSU to consider race, gender, ethnicity, household income, and other relevant factors in admissions to the maximum extent allowed by the Fourteenth Amendment and permitted by the 2003 U.S. Supreme Court decision in *Grutter v. Bollinger*. The bill prohibits giving admissions preference to students based on any of these factors. The bill provides that this demographic information can be used if an institution is trying to recruit a diverse student body but requires its use to be consistent with relevant case law and in conformity with provisions of the state constitution.

CPEC supports allowing college and university admissions officials to help develop and maintain the most diverse, representative body of qualified students they can. The educational and societal gains associated with enrolling a mix of students from diverse backgrounds will help California be more competitive. Nothing in this bill affects the merit standards of admissions decisions.

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

Chaptered by Secretary of State, September 24, 2010

Commission position — Watch

Approved by the Governor

This bill establishes a more prescribed process for CSU when its trustees adopt changes in admissions policies that will affect applicants who live in the campus' local service area. The bill would also require that any such changes take effect a minimum of one year after they are adopted. The most recent amendments allow CSU to make changes in its admission criteria to a campus after six months if the change is based on changes in available resources. Similar to AB 2401, CPEC is concerned that this bill may hinder campuses' flexibility to manage admissions, majors, and other operations.

Data

SB 1357 (Steinberg) California Longitudinal Pupil Achievement Data System

Chaptered by Secretary of State, September 30, 2010

Commission position — Support

Approved by the Governor

This bill requires the California Department of Education to include data on pupil absences in CALPADS, contingent on receipt of federal funding for this purpose. The bill states legislative intent to support the development of early warning systems to identify and support pupils who are at risk of dropping out of school. The most recent amendments make implementation of the provisions to include pupil attendance data in CALPADS contingent upon receipt of federal funding and require consultation on the report with the Department of Finance and the Legislative Analyst's Office. CPEC supports efforts to improve the quality and utility of student information. This information can be used to develop more effective educational practices and student support services.

Higher Education Financing

SB 1143 (Liu) Community colleges: student success and completion: taskforce and plan

Vetoed by Governor on September 28, 2010

Commission position — Watch

This bill expresses legislative intent to establish a funding system for community colleges that provides incentives for colleges to better assist students in completing coursework and certificate and degree attainment. The bill cites low levels of course completion, certificate and degree attainment, and transfer as reasons for revising the funding system. The most recent amendments change the full-time equivalent student enrollment way FTES enrollment is calculated in the community colleges for purposes of revenue apportionment. SB 361 by former Senator Jack Scott (Chapter 631, Statutes of 2006) created the current community college funding system.

Performance Assessment

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

Chapters by Secretary of State, September 24, 2010

Commission position — Watch

Approved by the Governor

This bill requires each of the public higher education systems' governing boards to certify to the Governor and Legislature they post professional licensure examination pass rates on all online enrollment applications. The most recent amendments require teacher preparation programs to provide information to prospective candidates regarding license examination passage rates and require that this information be made available via the Internet. This bill seeks to provide college applicants with information on success rates of students who have completed a specified course of study at these institutions.

Private Postsecondary Education

AB 1889 (Portantino) Private postsecondary education: California Private Postsecondary Education Act of 2009

Vetoed by Governor on September 24, 2010

Commission position — Watch

Existing law establishes the California Private Postsecondary Education Act of 2009, which provides for student protections and regulatory oversight of private postsecondary schools. The act requires schools to refund 100% of the amount paid for institutional charges, less specified expenses, if notice of cancellation is made through attendance at the first class session, or the seventh class day after enrollment, whichever is later. This bill would change the second deadline for notice of cancellation from the seventh class day after enrollment to the seventh day after enrollment. The most recent amendments make changes to employment classifications of bureau staff and prohibit the bureau from enforcing the act against schools certified to offer programs in flight instruction and aircraft maintenance by the Federal Aviation Administration for one year. Those schools would be required to notify the bureau of their operation during that time. On August 30, the contents of AB 1889 were also amended into AB 1140 (Niello).

Segmental Mission and Functions

AB 867 (Nava) CSU: Doctor of Nursing Practice degree

Chapters by Secretary of State, September 28, 2010

Commission position — Watch

Approved by the Governor

This bill authorizes CSU to award the Doctor of Nursing Practice degree. The bill would distinguish this degree from research-based doctoral degrees offered at UC. The bill requires that these programs be designed to enable professionals to earn the degree while working full time, train nurses for advanced practice, and prepare faculty to teach in postsecondary nursing programs. Recent amendments limit this bill to a three-campus pilot program, expand the reporting requirements for programs created through this statute, and sunset the pilot program on July 1, 2018. The bill requires CSU to report each year on the status of this degree program and specifies that degree programs established by the bill are not exempt from the CPEC review process.

AB 1901 (Ruskin Chapter 201, Statutes of 2010) Postsecondary education: Master Plan for Higher Education

Chaptered by Secretary of State, August 27, 2010

Commission position — Support

Approved by the Governor

This bill codifies findings and declarations from the summary report of the Joint Committee on the Master Plan for Higher Education. This committee was established pursuant to ACR 65 (Ruskin), Resolution Chapter 106, Statutes of 2009. The most recent amendments to the bill clarified legislative intent to outline in statute statewide goals and outcomes for effective implementation of the Master Plan.

The bill includes the following findings:

- California's future economic, social, and cultural development depends upon ensuring that all its citizens have opportunities to develop themselves so that they can contribute their best to society.
- California will need to prepare more than one million additional graduates by the year 2025 in public higher education institutions to meet our workforce needs.
- California must support an educational system that prepares all Californians for responsible citizenship and meaningful careers in a multicultural society; this requires a commitment from all to make high-quality education available and affordable for every Californian.
- To accomplish these goals, California's system of higher education will need to expand.

AB 2382 (Blumenfeld) California State University: Doctor of Physical Therapy degrees

Chaptered by Secretary of State, September 28, 2010

Commission position — Support

Approved by the Governor

This bill authorizes CSU to award a stand-alone Doctor of Physical Therapy degree, which is to be distinguished from doctoral degree programs offered by UC. CSU currently offers stand-alone doctoral programs in education through SB 724 (Scott, chaptered in 2007), and joint doctoral programs in other areas. CSU is currently sponsoring SB 867 (Nava), which would authorize CSU to award the Doctor of Nursing Practice degree.

AB 2382 includes a provision stating that nothing in the bill limit or preclude existing statute requiring CPEC evaluation and recommendation of all programs established under this statute. The most recent amendments clarify reporting requirements on programs established pursuant to these provisions and repeal the provisions authorizing the Doctor of Nursing Practice degree programs on January 1, 2019.

Staff have researched the justification provided for the bill and verified that the current CSU physical therapy programs will no longer meet the requirements for accreditation if they are not changed to doctorate degrees by 2015. Due to the high need for physical therapists in the state, and the lack of alternative programs for students, staff recommend that the Commission support this bill as a narrow exception to the segmental missions provided for in the Master Plan for Higher Education.

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

Chapters by Secretary of State, September 30, 2010

Commission position — Support

Approved by the Governor

This bill expresses legislative intent to establish accelerated nursing and allied health care pilot programs at five community colleges. This five-year pilot program seeks to shorten time-to-degree in nursing programs from the current average of two years to 18 months. The most recent amendments make minor, technical changes to the bill and cite the federal Patient Protection and Affordable Care Act and the availability of federal stimulus funds as providing opportunities for California to address healthcare workforce shortages. The bill requires the Community Colleges Chancellor's Office to evaluate the effectiveness of these pilot programs.

AB 2682 (Block) Community colleges: student assessments: pilot project

Vetoed by Governor on September 28, 2010

Commission position — Support

This bill amends the community colleges' existing matriculation program to establish a pilot program creating a centrally delivered student assessment system for community college placement and advisement. The most recent amendments require the Community Colleges' Chancellor's Office to use the existing test item banks created by CSU and the K-12 system in developing the common assessment of college readiness. The goal of this bill is to improve the assessment component of the colleges' matriculation program to provide students with more effective assistance as they begin their academic careers. CPEC supported the development of the original matriculation program in 1986.

Student Fees, Financial Aid, and Affordability

AB 1413 (Fuentes) Student financial aid: eligibility: California Dream Act of 2010

Vetoed by Governor on September 30, 2010

Commission position — Support

This bill expands eligibility for state financial aid to students exempted from paying nonresident tuition through specified provisions of law and extends the nonresident tuition exemption to graduates of adult education and technical schools, provided the student spent at least one year in a California high school. This bill, coordinated with the California Dream Act (SB 1460, Cerdillo), builds on AB 540 of 2001 and makes AB 540 students eligible for Cal Grants, institutional aid at UC and CSU and other state financial aid programs. This bill becomes operative only if SB 1460 (Padilla) is enacted by January 1, 2011.

AB 1997 (Portantino) Community colleges: student financial aid programs: pilot program

Vetoed by Governor on September 29, 2010

Commission position — Support

This bill simplifies the process by which needy community college students may apply for fee waivers. The bill allows community college districts limited authority to use the simplified form and requires they report usage information to the state. This bill may help needy students access financial aid, while it maintains important state oversight.

SB 1460 (Cedillo) Student financial aid: eligibility: California Dream Act of 2010

Vetoed by Governor on September 30, 2010

Commission position — Support

This bill proposes the California Dream Act of 2010. The bill expands eligibility to institutionally provided student financial aid, including Board of Governors fee waivers at the community colleges, to students covered under AB 540 (Firebaugh, Chapter 814, Statutes of 2001). The bill exempts from paying nonresident tuition in the community colleges and CSU any person who has attended and graduated from California secondary schools, including adult schools and technical schools. Recent amendments to the bill provide legal protections to UC, CSU, and community colleges should a state court find this bill or any similar regulation unlawful.

SB 1460 builds on AB 540 and is consistent with SB 160 of 2007, both of which CPEC supported. The bill expands eligibility to state-funded student aid programs and to most state residents, which CPEC has supported.

Transfer

AB 2302 (Fong) Postsecondary education: student transfer

Chapters by Secretary of State, September 29, 2010

Commission position — Watch

Approved by the Governor

This bill requires the three public systems to jointly develop ways to improve student transfer. It also requires them to create a transfer degree that would guarantee its recipients third-year status at CSU or UC. As amended, this bill makes other changes to current law regarding transfer admissions to support the transfer pathway proposed by SB 1440 (Padilla). The most recent amendments limited the cost impacts of the bill's provisions and ensure that existing CSU transfer law is retained until the proposed new transfer pathway is established.

SB 1440 (Padilla) California Community Colleges: student transfer

Chapters by Secretary of State, September 29, 2010

Commission position — Support

Approved by the Governor

This bill proposes the Student Transfer Achievement Reform Act. It requires that a student receiving an associate degree for transfer in a community college be deemed eligible for transfer into a CSU baccalaureate program provided the student meets prescribed requirements for the program. Recent amendments condition a community college district's receipt of state apportionment funds on its development of granting associate degrees for transfer.

SB 1440 expands opportunities for community college students to attain a baccalaureate in a timely manner by the transferring to CSU with an associate degree. The bill encourages community college and CSU faculty to collaborate on developing more effective local articulation agreements to develop the associate degree for transfer required in this bill.

Workforce Development

AB 2437 (V. Manuel Perez) State Government: Economic Development

Vetoed by Governor on September 27, 2010

Commission position — Watch

As amended, this bill now establishes the California Manufacturing Competitiveness Act of 2010, for the purpose of supporting the retooling and expansion of manufacturing facilities. The bill authorizes the California Industrial Development Financing Advisory Commission to

establish the California Manufacturing Competitiveness Loan and Loan Guarantee Program for the purpose of attracting, retaining, and expanding manufacturing facilities. Formerly, the bill required the Community Colleges Chancellor's Office to work with other state agencies to prepare a strategy for determining how to expend federal economic stimulus moneys targeted for workforce development.

Other Areas

AB 1713 (Furutani) Public education: reporting requirements

Chaptered by Secretary of State, September 24, 2010

Commission position — Support

Approved by the Governor

This bill deletes, consolidates, and modifies specified reports that are required of the California Community Colleges and standardizes report due dates.

AB 1182 (Brownley, Chapter 386 of 2009), eliminated, restructured, and reorganized 45 reports to the Legislature required of UC, CSU, and community colleges. AB 1713 further consolidates reporting requirements and deletes obsolete requirements for the community colleges. AB 1182 was the product of a work group comprised of legislative staff, DOF, LAO, and CPEC. The bill included the work group's consensus recommendations on the reporting requirements provided by UC, CSU, and community colleges and it earlier addressed concerns raised by the governor.

The bill maintains important reports and changes reporting dates to more realistic timelines for collecting and submitting the required data from the local districts. CPEC staff believes this bill will streamline and improve needed reports, while freeing resources in the Chancellor's Office for critical oversight and policy functions.

AB 1971 (B. Lowenthal Chapter 204, Statutes of 2010) California State University and University of California: alumni: disclosure

Chaptered by Secretary of State, August 27, 2010

Commission position — Support

Approved by the Governor

This bill extends existing privacy protections for alumni donors to UC, CSU, and Hastings College of the Law expiring in January 2011, to January 2016. The bill requires disclosure forms that institutions currently must give donors be available on an alumni association's Internet homepage or in the alumni association's privacy policy. The bill also expresses legislative intent that the systems report to the Legislature regarding compliance with these provisions by July 2014.

Last year, Assemblymember Lowenthal introduced AB 1222 on alumni donor privacy protections that also extended alumni donors' privacy protections. The Governor vetoed this bill as being premature. AB 1971 is an improvement over last year's AB 1222 because it makes it easier for potential donors to understand their privacy rights.

Other Bills being Monitored by Staff

AB 2040 (Brownley) Teacher leaders

Vetoed by Governor

This bill changes existing law to require the Commission on Teacher Credentialing to report to Legislature on the success of the integrated program of professional development toward preparing teacher candidates. As this bill deals with a teacher professional development program, staff recommend that CPEC monitor this bill.

AB 2344 (Nielsen, Chapter 208, Statutes of 2010) Nursing: approved schools

Chapters by Secretary of State, August 27, 2010

Approved by the Governor

This bill revises current law that requires the Board of Registered Nursing to maintain a list of approved nursing schools in California. This bill specifies that this list should include community colleges and private institutions offering an associate of arts or associate of science degree.

SB 330 (Yee) Public records: state agency: auxiliary organizations

Vetoed by Governor on September 30, 2010

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request unless those records are exempt from disclosure. This bill revises the definition of the term “local agency” to include specified auxiliary organizations established to provide support services and specialized programs for a community college and revises the definition of the term “state agency” to include specified auxiliary organizations and other entities. The bill exempts from disclosure under the California Public Records Act the names of persons who volunteer services or donate to specified entities if those persons request anonymity.

This bill also provides that it is the intent of the Legislature to reject the court’s interpretation of state law regarding the application of the act to auxiliary organizations, such as the CSU Fresno Association, at issue in CSU Fresno Association v. Superior Court (2001) 90 Cal.App.4th 810. The bill provides that it is the intent of the Legislature that specified organizations be included in the definition of “state agency” solely for the purposes of the California Public Records Act.

Bills Removed From Tracking

The Commission voted to remove the following bills from tracking:

AB 35 (Furutani)	AB 148 (Coto)	AB 218 (Portantino)	AB 220 (Brownley)
AB 440 (Beall)	AB 551 (Furutani)	AB 1136 (Cox)	AB 1895 (Ruskin)
AB 2401 (Block)	AB 2642 (Nestande)	AB 2721 (Blakeslee)	ACR 814 (Ruskin)
SB 956 (Liu/Romero)	SB 1045 (Alquist)	SB 1126 (Liu)	SCA 21 (Yee)
SCA 26 (Denham)	SJR 2 (Liu)		

SUMMARY MATRIX OF BILLS

Updated October 1, 2010

Bill Number	Author	Subject	Position												Comments
				2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	
AB 867	Nava D	California State University: Doctor of Nursing Practice degree pilot program.	Watch Position Letter	A- CHAPTERED											9/28/2010 - Chaptered by the Secretary of State, Chapter Number 416, Statutes of 2010
AB 1413	Fuentes D	Student financial aid.	Support, Pending	A- VETOED											9/30/2010 - Vetoed by the Governor
AB 1713	Furutani D	Public education: reporting requirements.	Support Position Letter	A- CHAPTERED											9/24/2010 - Chaptered by the Secretary of State, Chapter Number 236, Statutes of 2010
AB 1889	Portantino D	Private post-secondary education: California Private Postsecondary Education Act of 2009.	Watch	A- VETOED											9/24/2010 - Vetoed by the Governor
AB 1901	Ruskin D	Postsecondary education: Master Plan for Higher Education.	Support Position Letter	A- CHAPTERED											8/27/2010 - Chaptered by the Secretary of State, Chapter Number 201, Statutes of 2010
AB 1971	Lowenthal, Bonnie D	California State University and University of California: alumni: disclosure.	Support Position Letter	A- CHAPTERED											8/27/2010 - Chaptered by the Secretary of State, Chapter Number 204, Statutes of 2010
AB 1997	Portantino D	Community colleges: student financial aid: pilot program.	Support Position Letter	A- VETOED											9/29/2010 - Vetoed by the Governor
AB 2047	Hernandez D	Public postsecondary education: admissions policies.	Support Position Letter	A- VETOED											9/30/2010 - Vetoed by the Governor

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				2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	
AB 2086	Coto D	Cal Grant Program: qualifying institutions: publication of license examination passage rates.	Watch	A- CHAPTERED											9/24/2010 - Chaptered by the Secretary of State, Chapter Number 248, Statutes of 2010
AB 2302	Fong D	Postsecondary education: student transfer.	Watch	A- CHAPTERED											9/29/2010 - Chaptered by the Secretary of State, Chapter Number 427, Statutes of 2010
AB 2382	Blumenfield D	California State University: Doctor of Physical Therapy degrees.	Support Position Letter	A- CHAPTERED											9/28/2010 - Chaptered by the Secretary of State, Chapter Number 425, Statutes of 2010
AB 2385	John A. Perez D	Pilot Program for Innovative Nursing and Allied Health Care Profession Education at the California Community Colleges.	Support Position Letter	A- CHAPTERED											9/30/2010 - Signed by the Governor
AB 2402	Block D	California State University: admissions: procedural requirements.	Watch	A- CHAPTERED											9/24/2010 - Chaptered by the Secretary of State, Chapter Number 262, Statutes of 2010
AB 2437	V. Manuel Perez D	State government: economic development.	Watch	A- VETOED											9/27/2010 - Vetoed by the Governor
AB 2682	Block D	Community colleges: student assessments: pilot project: California Community Colleges Common Assessment.	Support Position Letter	A- VETOED											9/28/2010 - Vetoed by the Governor

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SB 1143	Liu D	Community colleges: student success and completion: taskforce and plan.	Watch	S- CHAPTERED											9/28/2010 - Chaptered by the Secretary of State, Chapter Number 409, Statutes of 2010
SB 1357	Steinberg D	California Longitudinal Pupil Achievement Data System.	Support Position Letter	S- CHAPTERED											9/30/2010 - Signed by the Governor
SB 1440	Padilla D	California Community Colleges: student transfer.	Support Position Letter	S- CHAPTERED											9/29/2010 - Chaptered by the Secretary of State, Chapter Number 428, Statutes of 2010
SB 1460	Cedillo D	Student financial aid: eligibility: California Dream Act of 2010.	Support Position Letter	S- VETOED											9/30/2010 - Vetoed by the Governor

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