



# CPEC

## Legislative Update, March 2, 2011

California Postsecondary Education Commission  
www.cpec.ca.gov

Report 11-04 • March 2, 2011 • by Julia Blair

This report lists positions on bills adopted by the Commission at its March 2 meeting. It also lists other bills that staff are tracking. Many of these are spot bills at this point — introduced with little substantive content and may be developed during the session. Staff will continue to track bills as they are introduced and amended. Segment positions will be provided in a separate document when available.

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### Support Position

#### AB 2 (Portantino) Postsecondary Education: Educational and Economic Goals for California Higher Education

*As introduced December 6, 2010*

*Commission position — Support*

*Referred to Committee on Higher Education*

This repeals the existing higher education accountability program and requires the state to establish a new accountability framework with prescribed goals for higher education. Data collected would be reported to the Legislature and the Governor and made available to the public. The bill also deletes selected statutory requirements for CPEC to report on student transfer, adult education, and the financial conditions of independent institutions. The bill is identical to last year's AB 218, which CPEC supported.

#### AB 91 (Portantino) Community Colleges: Student Financial Aid: Pilot Program

*As introduced January 10, 2011*

*Commission position — Support*

*Referred to Committee on Higher Education*

This requires the Chancellor's Office, until January 1, 2015, to establish a voluntary pilot program, to increase student participation in state and federal financial aid programs. The bill would require the Chancellor's Office to provide specified information on the pilot program to the Legislative Analyst's Office by January 10, 2014. LAO would be required to report to the Legislature the results of the pilot program and make recommendations for statewide expansion.

This bill is an update of Assemblymember Portantino's AB 1997 from 2010, although this bill takes a different approach to trying to improve access to and use of financial aid in the commu-

nity colleges. Given CPEC's affordability research and concerns about the effects of fee increases on college attendance, staff recommend that CPEC support this bill.

**AB 130 (Cedillo) Student Financial Aid: Eligibility: California Dream Act of 2011**

*As introduced January 11, 2011*

*Commission position — Support*

*Referred to Committee on Higher Education*

This exempts any person who has attended and graduated from a California high school, adult school or technical school, from paying nonresident tuition at UC, CSU and community colleges.

The bill provides that persons meeting these requirements are eligible to participate in any state student financial aid program (including the community colleges Board of Governors fee waivers) to the full extent permitted by federal law.

AB 130 expands eligibility for state-funded student aid programs to most residents, which CPEC has historically supported. This bill can help the state fill its shortage of college graduates. This is the 2011 version of the Dream Act, which CPEC has supported in every iteration. The text of the bill is almost identical to last year's SB 1460.

**AB 131 (Cedillo) Student Financial Aid**

*As introduced January 11, 2011*

*Commission position — Support*

*Referred to Committee on Higher Education*

This expands eligibility for state-administered financial aid to students exempted from paying nonresident tuition through specified provisions of law and also extends the nonresident tuition exemption to graduates of adult education and technical schools, provided the individual spent at least one year in a California high school. This bill, coordinated with AB 130, makes AB 540 students fully eligible for Cal Grant Entitlement Awards and provides restricted access to Cal Grant Competitive Awards. This bill is the 2011 version of last year's supplemental Dream Act bill (AB 1413, Fuentes), which CPEC has supported in every iteration.

**AB 331 (Brownley) The Leroy F. Greene School Facilities Act of 1998**

*As introduced February 10, 2011*

*Commission position — Support*

*From printer. May be heard in committee March 13*

This contains many provisions, including administrative changes to State Allocation Board staffing related to the Leroy F. Greene School Facilities Act of 1998. The main provisions of the bill state legislative intent to create the Kindergarten–University Public Education Facilities Bond Act of 2012. The bill contains no dollar amount for the proposed General Obligation bond. This is similar to Assemblymember Brownley's AB 220 last year. CPEC supported AB 220 based on preliminary findings from CPEC's enrollment projections work, and our determinations of facilities usage, which conclude that each of the public higher education systems need additional capacity to accommodate the 400,000 new students expected to enroll between 2009 and 2019. Staff recommend that CPEC offer its assistance to the author.

### AB 743 (Block) Community Colleges: Student Assessments: California Community Colleges: common assessment system

*As introduced February 17, 2011*

*Commission position — Support*

*From printer. May be heard in committee March 20*

This amends the community colleges' matriculation program to establish a pilot program and create a centrally delivered student assessment system for the purposes of placement and advisement. The goal of this bill is to improve the assessment component of the community colleges' matriculation program to provide students with more effective academic assistance. This bill is similar to Assemblymember Block's AB 2682 from last year, which CPEC supported. CPEC supported the development of the original community college matriculation program in 1986 and staff believe AB 743 may develop a more cohesive and effective model for providing academic and career counseling.

### AB 822 (Block) Public Postsecondary Education Facilities: Kindergarten–University Public Education Facilities Bond Act of 2012

*As introduced February 17, 2011*

*Commission position — Support*

*From printer. May be heard in committee March 20*

This states legislative intent to create the Kindergarten–University Public Education Facilities Bond Act of 2012. The bill contains no dollar amount for the proposed General Obligation bond, which would be presented to voters in the November 2012 statewide general election. CPEC's recent higher education enrollment demand projections and capital needs assessments conclude that each of the public higher education systems need additional capacity to accommodate the 400,000 new students expected to enroll between 2009 and 2019. Staff recommend CPEC offer its assistance to the author.

## Watch Position

### AB 24 (Block) Public Postsecondary Education Commission: feasibility study: Chula Vista

*As introduced December 6, 2010*

*Commission position — Watch*

*Referred to Committee on Higher Education*

This requires CPEC to complete a study and make recommendations concerning the feasibility of establishing and expanding postsecondary education opportunities in Chula Vista. This bill is similar to last year's AB 24. Staff have concerns that this bill is not consistent with current law and CPEC-adopted guidelines for new facilities. Existing law gives the UC Regents, CSU Trustees, and community colleges Board of Governors full power over development of campuses and centers in their respective systems. The segments are to forward all proposals for new campuses and centers to CPEC for review. Legislative committee analyses of last year's bill estimated the cost of the feasibility study at \$600,000. CPEC staff are working with Assemblymember Block to amend this bill so that it is consistent with current law and to identify alternative means to reach regional needs.

**AB 620 (Block) Public Postsecondary Education: Nondiscrimination and training: sexual orientation and gender identity**

*As introduced February 16, 2011*

*Commission position — Watch*

*From printer. May be heard in committee March 19*

This requires the CSU and community college governing boards, and requests the UC Regents, to adopt policies on harassment, intimidation, and bullying to be included in the rules of student conduct related to sexual orientation and gender identity. The bill requires training for campus public safety officers on hate crimes and harassment based on sexual orientation and gender identity, and training for financial aid advisors on financial assistance for lesbian, gay, bisexual, and transgender students. AB 620 requires campuses to provide CPEC with demographic information they collect regarding sexual orientation and gender identity. The bill also requires CPEC assess every campus and to develop recommendations to improve the quality of life on those campuses for LGBT faculty, staff, and students, and to publish a summary of those recommendations on its website.

This bill is based in part on CPEC reports and policy recommendations developed from data collection, research, work with students, experts in the field, and a panel discussion. This research found that LGBT students face many challenges that require additional campus services and resources as well as an overall lack of data available on the LGBT student population. CPEC policy recommendations cover student data, campus climate, campus policies, professional development, and student support services. The costs to CPEC of completing the tasks in the bill may be substantial, for instance, CPEC would be required to assess and develop recommendations for more than 140 campuses.

Staff recommend that CPEC watch this bill and work with the author to determine and identify the resources necessary to carry out the provisions in the bill or alternative means which might reduce costs and accomplish the author's goals.

**AB 661 (Block) Public Postsecondary Education: San Diego Community College District: baccalaureate degree pilot program**

*As introduced February 16, 2011*

*Commission position — Watch*

*From printer. May be heard in committee March 19*

This authorizes the San Diego Community College District to establish baccalaureate degree pilot programs. These programs would expire eight years after they were established. The bill is intended to allow community colleges to help address job shortages in vital employment areas that require baccalaureate degrees. About 17 states allow community colleges to offer baccalaureate degrees, mainly under limited and specified circumstances. CPEC staff are researching this issue and will present information on it at an upcoming hearing of the Assembly Higher Education Committee. Among things staff will consider are possible alternative means to achieve the objectives of this bill.

**AB 1088 (Eng) State Agencies: Collection of Demographic Data**

*As introduced February 18, 2011*

*Commission position — Watch*

*Read first time. To print.*

This requires specified state agencies that collect demographic data on the ancestry or ethnic origin to use additional separate collection categories and tabulations for each major Asian and Pacific Islander group and use additional separate collection categories and tabulations for oth-

er major Asian groups, including: Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan. CPEC collects and tabulates demographic information it collects from K-12 and the public and independent postsecondary education systems. CPEC staff are working with the author to assure that these provisions apply only to the originators of these data and not to secondary data providers such as CPEC which have no ability to collect and disaggregate demographic information. Staff recommend working with the author on clarifying the effect of the bill on secondary data providers.

### **SB 181 (Liu) Public Postsecondary Education: Student Fee Policy**

*As introduced February 7, 2011*

*Commission position — Watch*

*Referred to Committee on Education*

This establishes a state policy on resident systemwide student fees at CSU and requests UC to implement this policy as well. The proposed policy puts into statute the shared responsibility among students, families and the state for paying total educational costs. The bill includes some provisions that CPEC has long supported, such as that changes in fee resident student fee levels should be gradual, moderate, and predictable. The bill defines the total cost of instruction as being the sum revenue from State General Funds, higher education fees and income, and State Lottery funds. Recent CPEC work on affordability has defined the total cost of education for students using cost centers, including student charges, food and housing, transportation, educational supplies and materials, and personal costs like health care. Staff recommend working with the author to develop the optimum solution for this issue.

### **SB 185 (Hernandez) Public Postsecondary Education**

*As introduced February 7, 2011*

*Commission position — Watch*

*Referred to Committee on Rules*

This authorizes UC and CSU to consider geographic origin, household income, and other relevant factors, in admissions decisions. The bill also allows the systems to consider race, gender, ethnicity, and national origin in undergraduate and graduate admissions, to the maximum extent permitted by the 14th Amendment to the Constitution and relevant case law. The bill forbids institutions from giving admissions preference based on demographic factors. Nothing in this bill affects the merit standards of admissions decisions, and admissions criteria remain fully within the purview of the campuses. SB 185 is similar to AB 2047, introduced last year by then-Assemblymember Hernandez, which was vetoed. CPEC supported AB 2047, believing that it allowed college and university admissions officials to “help develop and maintain the most diverse and representative body of qualified students.”

### **SB 498 (Liu) Bureau for Private Postsecondary Education: Successorship**

*As introduced February 17, 2011*

*Commission position — Watch*

*From printer. May be acted upon on or after March 20.*

This abolishes the Bureau for Private Postsecondary Education, and transfers to CPEC its powers and duties under the California Private Postsecondary Education Act of 2009. BPPE operates in the Department of Consumer Affairs and provides for oversight and regulation of private postsecondary institutions. In 2009, DCA reported that there are 1,500 state-approved private postsecondary institutions in California with an estimated enrollment of 400,000. BPPE is subject to extensive Business and Professions Code provisions related to its regulation of proprietary schools. Over the last 30 years, the state has created and charged several entities with

oversight of private postsecondary institutions. This bill would create a Governor-appointed executive officer of proposed entity, thus removing the independence of the position. This bill would represent the most significant change to CPEC's functions since its creation in 1973. Staff recommend that staff conduct further research and consult with the author to develop the optimum way to address this issue.

**SB 611 (Steinberg) Public Postsecondary Education: The University of California**

*As introduced February 17, 2011*

*Committee Recommended — Watch*

*From printer. May be acted upon on or after March 20.*

This requests UC to maintain and expand the UC Curriculum Integration Institute (UCCII). Among other functions, the UCCII would bring together high school teachers and experts from across the state and nation to develop model courses that provide pupils with rigorous academic content linked to real world applications. The bill states that the UCCII has "... begun developing coursework that can accelerate significant and needed changes in the way California pupils learn in the classroom, and can keep more pupils engaged in school through applied learning opportunities that prepare them for college and career." This is a workforce nexus bill that CPEC has supported in the past. CPEC director Karen Humphrey will do further research into the bill and author's intent.

**SB 612 (Steinberg) Postsecondary Education: Instructional Strategies**

*As introduced February 17, 2011*

*Commission position — Watch*

*From printer. May be acted upon on or after March 20.*

This expands the existing Subject Matter Project to include instructional strategies for both delivering career-oriented, integrated academic and technical content and for ongoing collaboration on the delivery of career-oriented, integrated academic and technical content. CPEC has a long history with the Subject Matter Projects. Director Humphrey will get further information on this bill.

**SB 721 (Lowenthal) California Higher Education: Educational and Economic Goals**

*As introduced February 18, 2011*

*Commission position — Watch*

*Introduced. Read first time. To Committee on Rules for assignment. To print.*

This requires a state agency (not designated in the bill), to establish an additional accountability framework for achieving educational and economic goals. The bill requires that the agency measure the collective performance of the state's higher education systems. This bill is similar in outcomes to AB 2 of this session, which repeals the existing higher education accountability program and requires the state to establish a new accountability framework. Staff will work with the author to identify and develop optimum solutions to the issues being addressed by this bill.

## Oppose Position

**AB 63 (Donnelly) Public Postsecondary Education: Tuition and Fees**

*As introduced December 9, 2010*

*Commission position — Oppose, unless amended*

*Referred to Committees on Higher Education and Veterans Affairs*

This amends current state law to conform to federal law regarding granting residency classification for student fee purposes for members of the armed forces and their dependents. The bill re-

peals AB 540 (Firebaugh, Chapter 814, Statutes of 2001). The repeal of the AB 540 provisions for residency and fee status are contrary to adopted CPEC policy. Staff recommend working with the author to amend these provisions out of the bill.

### **AB 1273 (Grove) Boards and Commissions**

*As introduced February 18, 2011*

*Commission position — Oppose, unless amended*

*Read first time. To print.*

This states legislative intent to codify the government reorganization plan developed by Governor Schwarzenegger in 2004. This bill merged, eliminated, and recreated many state boards and commissions. The Schwarzenegger plan included dismantling CPEC and placing it and the California Student Aid Commission under a new position in the Governor's office, possibly a Secretary of Higher Education. CPEC formally opposed this California Performance Review recommendation and likely continues to disagree with this change. The proposed 2011–12 state budget eliminates the Office of the Secretary of Education, which renders the 2004 proposal unworkable. Staff recommend working with the author to remove provisions involving CPEC.

## **Other Bills Being Monitored by Staff**

### **AB 668 (Block) Public Postsecondary Education: Quality Instruction**

*As introduced February 17, 2011*

*From printer. May be heard in committee March 20.*

This appears to be a spot bill on the missions and functions of California's postsecondary education enterprise.

### **AB 670 (Block) Public Postsecondary Education: Admission**

*As introduced February 17, 2011*

*From printer. May be heard in committee March 20.*

This appears to be a spot bill which reaffirms state policy to provide a space for every eligible student.

### **AB 684 (Block) Postsecondary Education**

*As introduced February 17, 2011*

*From printer. May be heard in committee March 20.*

This appears to be a spot bill on community college academic and vocational instruction.

### **AB 851 (Nestande) Distance Learning**

*As introduced February 17, 2011*

*From printer. May be heard in committee March 20.*

This requests UC and requires CSU and the community colleges Board of Governors to report to the Legislature on workload and key performance data in distance learning courses. It requires the California Virtual Campus and CSU to report on the California Online Program Planner project. The bill also requires the community colleges and CSU to report on the feasibility of developing a distance education bachelor's degree accelerated completion program for students who started college but did not obtain a degree. These provisions would be repealed in January 2018.

**AB 948 (Furutani) Public contracts: competitive bidding: best value**

*As introduced February 18, 2011*

*From printer. May be heard in committee March 22.*

This establishes a pilot program authorizing UC and community college districts to evaluate bids for contracted services using criteria beyond the lowest bid. The bill requires the systems to follow existing legislative intent to award contracts to the lowest responsible bidder, but provides more flexibility in assessing the quality of bids and the likelihood of achieving the objectives using best value criteria. Currently, UC operates a statutorily-established pilot program to award contracts based on best value procedures as described in Public Contract Code § 10506.8.

**AB 970 (Fong) Cal Grant B awards: award amount**

*As introduced February 18, 2011*

*Read first time. To print.*

This makes new Cal Grant B recipients eligible for payments for tuition or fees, on a scale-up basis. CPEC has supported having Cal Grant B awards cover student fees since the creation of the Cal Grant Entitlement and Competitive programs with SB 1644. The concern is that there is insufficient funding available for this expansion at this time.

**AB 1013 (Committee on Higher Education) Private postsecondary education**

*As introduced February 18, 2011*

*Read first time. To print.*

This makes minor reforms to last year's AB 48 (Portantino) which created the BPPE, to address the availability of "ability to benefit" assessments students must take to enter some proprietary school occupational programs. The bill also slightly tightens the full refund time period.

**SB 835 (Wolk) Public contracts: University of California: best value procedures: report**

*As introduced February 18, 2011*

*Referred to Committee on Judiciary, Committee on Elections and Constitutional Amendments*

This extends to January 2012 the date by which UC must report to the Legislature on the pilot program described in Public Contract Code § 10506.8, which authorizes UC to award contracts based on best value procedures established in the program. Current law requires that this report be submitted by January 2010.

**SCA 7 (Yee) Public Bodies: Meetings**

*As introduced January 10, 2011*

*Referred to Committee on Judiciary, Committee on Elections and Constitutional Amendments*

The state constitution requires meetings of public bodies to be open to public scrutiny. This measure would also include in the constitution the requirement that each public body provide public notice of its meetings and disclose any action taken. This bill may affect CPEC's operations, specifically regarding how CPEC conducts meetings and archives its actions.

**SB 15 (DeSaulnier) Budget**

*As introduced December 6, 2010*

*Set for hearing February 23 in Senate Governance and Finance*

This seeks to standardize budget reporting and for the Legislature to establish an oversight process for evaluating all state programs. Although it does not deal with education policy, this bill could affect the use of CPEC's limited resources.

**SB 292 (Padilla) Public postsecondary education: community colleges: transfers**

*As introduced February 14, 2011*

*From printer. May be acted upon on or after March 17.*

This is a spot bill for future work on student transfer, possibly mandating transfer curricula.

**SB 760 (Alquist) Donahoe Higher Education Act**

*As introduced February 18, 2011*

*Introduced. Read first time. To Committee on Rules for assignment. To print.*

This appears to be a spot bill on the missions and functions of the public higher education systems.

**SB 827 (Lowenthal) California Longitudinal Pupil Achievement Data System**

*As introduced February 18, 2011*

*Introduced. Read first time. To Committee on Rules for assignment. To print.*

This appears to be a spot bill for CALPADS, which CPEC may want to support if it re-appropriates funds that Governor Schwarzenegger vetoed.

**SB 885 (Simitian) Public Education Accountability: Delivery of Services**

*As introduced February 18, 2011*

*Introduced. Read first time. To Committee on Rules for assignment. To print.*

This appears to be a spot bill that seeks to "improve the delivery of public education services from preschool through grade 12 and all levels of higher education."

# SUMMARY MATRIX OF BILLS

Updated March 2, 2011

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 2	Portantino D	Postsecondary education: Educational and Economic Goals for California Higher Education.	Support	A- HIGHER ED. ██████████											1/24/2011 - Referred to Com. on HIGHER ED.
AB 24	Block D	California Postsecondary Education Commission: feasibility study: Chula Vista.	Watch	A- HIGHER ED. ██████████											1/24/2011 - Referred to Com. on HIGHER ED.
AB 63	Donnelly R	Public postsecondary education: tuition and fees.	Oppose, unless amended	A- HIGHER ED. ██████████											1/27/2011 - Referred to Coms. on HIGHER ED. and V.A.
AB 91	Portantino D	Community colleges: student financial aid: pilot program.	Support	A- HIGHER ED. ██████████											1/27/2011 - Referred to Com. on HIGHER ED.
AB 130	Cedillo D	Student financial aid: eligibility: California Dream Act of 2011.	Support	A- HIGHER ED. ██████████											2/3/2011 - Referred to Com. on HIGHER ED.
AB 131	Cedillo D	Student financial aid.	Support	A- HIGHER ED. ██████████											2/3/2011 - Referred to Com. on HIGHER ED.
AB 331	Brownley D	The Leroy F. Greene School Facilities Act of 1998.	Support	A- ED. ██████████											2/24/2011 - Referred to Com. on ED.
AB 620	Block D	Public postsecondary education: nondiscrimination and training: sexual orientation and gender identity.	Watch	A- PRINT ██████████											2/17/2011 - From printer. May be heard in committee March 19.
AB 661	Block D	Public postsecondary education: San Diego Community College District: baccalaureate degree pilot program.	Watch	A- PRINT ██████████											2/17/2011 - From printer. May be heard in committee March 19.



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