

Date of Hearing: January 10, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Marty Block, Chair
AB 383 (Portantino) – As Amended: March 21, 2011

SUBJECT: Public postsecondary education: community colleges.

SUMMARY: Would provide a one-time stipend, amount as yet undetermined, to a California Community College (CCC) district that enters into a collective bargaining agreement that prohibits a full-time instructor from teaching overload or extra assignments in excess of 50% of a full-time workload in any semester that commences on or after January 1, 2012.

EXISTING LAW:

- 1) Expresses Legislative intent and makes Legislative findings and declarations regarding temporary faculty, including that, whenever possible, CCC temporary faculty be compensated appropriately and extended certain professional privileges.
- 2) Requires the CCC Board of Governors (BOG) to adopt regulations regarding the percent of credit instruction to be taught by full-time faculty, and authorizes CCC districts with less than 75% full-time instructors to apply a portion of their "program-improvement" funds toward reaching the 75% standard (commonly referred to as "75/25").

A complete summary of existing law regarding the employment of CCC faculty is beyond the scope of this analysis; however, it is important to note there are extensive, complex statutes, many of which apply to regular, contract, and temporary academic employees in a wide array of situations related to multiple aspects of CCC district employment.

FISCAL EFFECT: Unknown

COMMENTS: Background. The term "overload assignments" refers to the practice of tenured faculty electing to teach additional courses, with additional pay, beyond his/her normal full-time teaching load. According to the CCC Chancellor's Office (CCCCO) Report on Staffing for Fall 2010, the average rate for overload instruction was \$68.36 hourly, while the average hourly salary for part-time/temporary was \$66.58. Salary schedules are a subject of collective bargaining. Additionally, in the 2009-10 academic year 18,482 instructors taught 64,489 overload courses within the CCC system. For purposes of 75/25, in calculating the full-time/part-time faculty ratio, overload courses are excluded from the calculation.

Overload limits. While research generally supports the importance of full-time faculty as a factor in student success, concerns have been raised that the assignment of excessive course overloads to full-time faculty can negatively impact the quality of instruction, harm student progress, and impair the ability of full-time tenured faculty to perform other professional duties. Additionally, from the perspective of part-time faculty, when full-time faculty teach overloads adjuncts lose income and potentially their eligibility for health benefits. In response to these concerns, some CCC districts and unions have negotiated limits on overload assignments.

Purpose of this bill. This bill would continue to allow CCC districts and unions to negotiate the terms of overload limits at the local level but would provide a financial incentive for a CCC district to limit overloads to 50% of a full-time workload. According to the author, the quality of instruction at CCCs is hampered when full-time faculty are assigned to teach course sections well beyond their already full teaching loads. The author notes that full-time teaching loads at CCC are already well above those at the California State University (CSU) and the University of California (UC), averaging 30 units per year, as compared to 24 at CSU and 18 at UC. The author argues that the state has an interest in ensuring that CCC students receive adequate attention from faculty.

Stipend amount. This bill would provide a one-time stipend, with funds appropriated from the General Fund to CCC districts that enter into collective bargaining agreements that adhere to this overload limit. The stipend amount is yet undetermined. Committee staff understands that the author is currently working with stakeholders to determine the appropriate amount that will work to encourage CCC districts to enter into agreements that limit overload.

Implementation date. Should this bill move forward in its current form, a technical amendment is needed to adjust the implementation date from January 1, 2012, to January 1, 2013.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers (Sponsor)

Opposition

None on File

Analysis Prepared by: Laura Metune / HIGHER ED. / (916) 319-3960

Date of Hearing: January 10, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Marty Block, Chair

AB 645 (Davis) – As Amended: January 4, 2012

SUBJECT: Postsecondary education.

SUMMARY: Mandates the California State University (CSU) and requests the University of California (UC) to require students entering the university during or after the 2013-14 academic year, regardless of major, to complete two courses in ethnic studies prior to graduation.

FISCAL EFFECT: Unknown

COMMENTS: Purpose of this bill. According to background information provided by the author, this bill seeks to address "the lack of cultural and ethnic sensitivity on college campuses throughout the state." The author argues this can be "exemplified by the Compton Cookout party held at UC San Diego, the racist bake sale at UC Berkeley, and the fried chicken day in the cafeteria for Martin Luther King, Jr. Day at UC Irvine." According to the author, this insensitivity largely stems from ignorance to the ethnic and cultural complexities and dynamics that are taught in ethnic studies courses. The author further argues that "in a twenty-first century global economy, to not have ethnic studies courses required, impedes students' ability to effectively interact with people in the global market."

Background: In response to incidences of hate crimes, prejudice and bigotry on California's public college and university campuses in 2010, this Committee conducted an oversight hearing, on June 22, 2010, to address the adequacy of campus responses to the occurrences, and potential improvements in system and campus policies governing hate, violence, and bigotry. At that hearing the Committee heard testimony from affected community members, public college and university representatives, and various organizations on the variety of educational tools and campus policies that can be used to minimize violence and hate speech.

Existing CSU requirements. Current law provides the CSU Board of Trustees (BOT) authority to adopt rules and regulations governing CSU, so long as those rules and regulations are not inconsistent with California laws. Through regulation, CSU BOT authorizes campuses to establish and maintain degree requirements that meet industry needs, accreditation requirements, and overall academic goals. The CSU BOT has, however, established degree guidelines and general education requirements for CSU graduates. The CSU General Education Breadth (GE-Breadth) coursework requirements are designed to ensure students have developed specific knowledge and skills. Under the GE-Breadth "Area D" requirement students must complete a minimum of 12 semester units of coursework designed to examine issues in their contemporary as well as historical settings and in a variety of cultural contexts. Ethnic Studies exists as a sub-area within the "Area D" requirement.

Ethnic studies and cultural/global awareness. This bill does not contain a definition for "ethnic studies." Traditionally ethnic studies departments focus on race and ethnicity with a goal toward better understanding the social, political, and cultural factors that contribute to racism and racial diversity. The CSU Chancellor's Office notes that while ethnic studies are very important courses, there are many educational experiences that provide outcomes of increased

understanding of diverse ethnicities and cultures. For example, CSU points to study abroad programs, internships, language courses, service-learning courses, and the numerous culturally focused courses in a variety of disciplines. It is unclear if the author intends for these additional types of courses and programs to be included under the term "ethnic studies." Committee staff understands the author intends to add a definition for "ethnic studies" to the bill at a later date.

Impact on transfer requirements. In recent years the Legislature has pushed the public postsecondary education segments to increase the number of degree holders and to reduce the amount of time it takes students to obtain a degree. Recently enacted legislation, SB 1440 (Padilla, Chapter 428, Statutes of 2010), furthers this effort by requiring California Community Colleges (CCC) and CSU to develop undergraduate degrees with 120 unit requirements, with no more than 60 units being taken at the CSU. While this bill places the ethnic studies coursework requirement on CSU graduates, it does not specify whether these courses would be taken as lower-division (at CCC) or as upper-division (at CSU). It is unclear how the requirement contained in this bill would impact the SB 1440 model curriculums currently being established. The CSU Chancellor's Office believes that this bill would require the systems to redo work that has been completed in the last year and, by establishing a new six unit requirement, would threaten CSU's ability to meet the 120 unit degree limitation.

Applicability to UC. The California Constitution (Section 9 of Article IX) establishes UC as a public trust and confers the full powers of the UC upon the UC Regents. The Constitution establishes that the UC is subject to legislative control only to the degree necessary to ensure the security of its funds and compliance with the terms of its endowments. Judicial decisions have held that there are three additional areas in which there may be limited legislative intrusion: authority over the appropriation of state moneys; exercise of the general police power to provide for the public health, safety and welfare; and legislation on matters of general statewide concern not involving internal university affairs. Recognizing these limitations, this bill requests, but does not require, UC to comply with the provisions of the bill.

UC graduation requirements. UC curriculum and degree requirements are established by the faculty and often differ among the individual campuses. A preliminary inquiry into ethnic studies or similar coursework requirements found several UC campuses with established standards. For example, UC Santa Cruz, as of Fall 2010, requires students to take one course in "cross-cultural analysis" and one course in "ethnicity and race". UC Irvine requires students to take at least one course focusing on the experiences of minority groups within the United States. UC Santa Barbara requires at least one course focusing on "the intellectual, social and cultural experience, and the history of one of the following: Native Americans, African Americans, Chicanos/Latinos, Asian Americans, or a course that provides a comparative and integrative context for understanding the experiences of oppressed and excluded racial minorities in the United States."

The Committee may wish to consider the following: How will this bill affect the traditional role of the CSU BOT and Academic Senates in establishing degree requirements? Who should define "ethnic studies" and who should maintain responsibility for authorizing courses/programs that meet the requirement? Is this requirement applicable to undergraduate students, graduate students, or both? For undergraduate students, should the required courses be taken as lower-division or upper-division courses? How is this requirement intended to interact with the requirements for CCC transfer students under SB 1440? Should exemptions or alternative

methods for meeting the requirement be authorized for high unit majors, second baccalaureate seekers, and/or transfer students?

REGISTERED SUPPORT / OPPOSITION:

Support

Asian American Studies Program at California State University, Fullerton
College of Ethnic Studies at San Francisco State University
Department of Ethnic Studies at California State University, Sacramento
Department of Pan-African Studies at California State University, Los Angeles
Department of Recreation, Parks, & Tourism at San Francisco State University

Opposition

Academic Senate of the California State University
California State University, Office of the Chancellor
University of California, Office of the President

Analysis Prepared by: Laura Metune / HIGHER ED. / (916) 319-3960

Date of Hearing: January 10, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Marty Block, Chair

AB 822 (Block) – As Introduced: February 17, 2011

SUBJECT: Public postsecondary education facilities: Kindergarten-University Public Education Facilities Bond Act of 2012.

SUMMARY: Establishes the Kindergarten-University Public Education Facilities Bond Act of 2012 (Act) and related provisions to authorize an unspecified dollar amount of public higher education facility general obligation (GO) bonds to be submitted to the voters at the November 2012 election. Specifically, this bill:

- 1) Establishes the 2012 California Community College (CCC) Capital Outlay Bond Fund and authorizes the deposit of an unspecified dollar amount from the proceeds of bonds issued and sold pursuant to this bill to be deposited into the fund for the purposes of construction, renovation and reconstruction of CCC facilities.
- 2) Establishes the 2012 University Capital Outlay Bond Fund and authorizes the deposit of an unspecified dollar amount from the proceeds of bonds issued and sold pursuant to this bill to be deposited into the fund for the purposes of construction, renovation, and reconstruction of the University of California (UC), California State University (CSU), and Hastings College of the Law facilities.
- 3) Authorizes the proceeds from the sale of bonds sold for the purposes of this bill to be used for the following purposes:
 - a) To fund construction on existing campuses, including the construction of buildings and the acquisition of related fixtures.
 - b) Construction of facilities that may be used by more than one segment of public higher education.
 - c) Renovation and reconstruction of facilities.
 - d) Site acquisition.
 - e) Equipping of new, renovated, or reconstructed facilities, which equipment shall have an average useful life of 10 years.
 - f) To provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings for facilities.
- 4) States legislative intent that UC, CSU, CCC, and Hastings College of the Law consider the inclusion of joint use facilities in their annual capital outlay planning process and report their findings to the budget committees of each house of the Legislature by May 15 of each year.

- 5) Requires the bonds be submitted to voters for approval at the November 6, 2012 statewide election, in accordance with statutes governing the submission of a statewide measure to voters.

FISCAL EFFECT: Unknown but potentially significant.

COMMENTS: Background. Since the late 1980s, the Legislature has placed on the ballot and voters have approved bonds for public higher education every two to four years. The last statewide general obligation bond, Proposition 1D (AB 127, Nunez, Chapter 35, Statutes of 2006), was approved by voters in November 2006, authorizing the sale of \$10.4 billion in GO bonds of which \$3.087 billion was earmarked for higher education facilities. Of this amount, \$1.5 billion was provided for CCC facilities, \$890 million was provided for UC, and \$690 million was provided for CSU. All Proposition 1D higher education facilities funds have been apportioned. The provisions of this bill are identical to the higher education-related provisions of AB 127.

Since 2006, as the state's fiscal condition continued to deteriorate, legislation needed to authorize education bonds was not enacted. Instead, since 2008 the segments have received capital funding from lease-revenue bonds through the annual budget acts; however, these funds have met less than half of the segments' capital needs. Bond funds, whether lease-revenue or GO, are allocated through the budget process in accordance with the segments' five-year capital facility plans.

Need for this bill. According to the author, this bill is focused on gaining more resources for the higher education segments' capital outlay programs and will be amended to include a specified dollar amount when UC, CSU and CCC have negotiated an agreement. The author also notes that capital outlay bonds are particularly important for CSU, which cannot raise local bond revenues like K-12 and CCC districts or sell its own bonds, as can UC.

Capital needs. The segments report the following capital needs:

- 1) UC: In its 2012-13 State Capital Financial plan, UC notes its support for a four-year GO bond in 2012 and requests \$1.3 billion in state funding in its 2012-13 capital budget request for the following purposes: 52% for seismic and life-safety improvements, 18% for program improvements, 17% for facilities to meet enrollment needs, 12% for infrastructure deficiencies and building renewal, and 1% facilities and infrastructure to address future enrollment growth at the Merced and Riverside campuses.
- 2) CSU: From 2010-11 through 2014-15, CSU will need approximately \$6.57 billion based on current fundable project proposals—approximately \$1.63 billion per year. These funds are needed to increase space to accommodate enrollment growth, make life-safety and seismic improvements in existing facilities, and to modernize facilities to maintain a quality learning environment.
- 3) CCC: CCC estimates a \$19.4 billion capital need over the next 10 years, which equates to a need for \$3.9 billion of state GO bond funding every two years. CCC's 2012-13 capital budget request includes 260 projects totaling \$1.9 billion and includes 86 state-funded projects at \$785 million, including \$460 million of state funding and \$325 million of local funding. The remaining 174 projects are funded solely by the districts at an additional \$1.09 billion. The

majority of CCC's capital needs are to increase instructional capacity and to modernize instructional space.

November ballot deadline. The last day for a legislative measure to qualify for the November 6, 2012 General Election ballot is June 28, 2012.

Related legislation. There have been several efforts in recent years to authorize a Kindergarten-University GO bond, which have failed to reach the Governor's desk due to the state's fiscal situation. Currently, AB 331 (Brownley), which is pending in the Assembly Education Committee, states legislative intent to authorize a Kindergarten-University GO bond.

REGISTERED SUPPORT / OPPOSITION:

Support

Antelope Valley Community College District
California Community Colleges, Chancellor's Office
Community College League of California
California State University
Glendale Community College District
Los Rios Community College District
Mt. San Jacinto Community College District
Yosemite Community College District

Opposition

None on file.

Analysis Prepared by: Sandra Fried / HIGHER ED. / (916) 319-3960

Date of Hearing: January 10, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Marty Block, Chair
AB 1237 (Nestande) – As Amended: March 31, 2011

SUBJECT: Postsecondary education: finance: remedial instruction.

SUMMARY: Finds and declares that state General Funds that do not count toward the Proposition 98 minimum guarantee shall not be appropriated for remedial instruction at the University of California (UC) and California State University (CSU) and authorizes the appropriation of Proposition 98 funds from K-12 instruction to the California Community Colleges (CCC) for the purposes of remedial instruction for UC and CSU students. Specifically, this bill finds and declares:

- 1) California high school graduates should be prepared for credit coursework at UC and CSU.
- 2) Only General Fund moneys that count toward the Proposition 98 minimum guarantee shall be appropriated to support remedial instruction in secondary education coursework.
- 3) General Fund moneys that do not count toward the Proposition 98 minimum guarantee shall not be appropriated for purposes of supporting remedial instruction of college students in coursework that is required prior to enrollment in coursework offered for college credit by UC or CSU.
- 4) Funds that may otherwise be appropriated to school districts for K-12 instruction under the Proposition 98 minimum guarantee may instead be appropriated to CCC districts to fund remedial instruction of CCC students who are provisionally accepted to UC or CSU, for purposes of completing academic coursework that is required prior to enrollment in coursework offered for college credit.

EXISTING LAW:

- 1) Expresses legislative intent with respect to the determination of standards and criteria for admission to UC and CSU. (Education Code § 66205)
- 2) Requires that a minimum amount of funding be applied for the support of the public school system and CCC districts based on a calculation made each fiscal year pursuant to one of the three specified tests that is applicable to that fiscal year. (Article XVI, Section 8 of the California Constitution)

FISCAL EFFECT: Unknown. This bill is keyed nonfiscal by Legislative Counsel.

COMMENTS: This bill is double-referred to the Assembly Education Committee, where issues related to the appropriation of K-12 Proposition 98 funds are more appropriately discussed.

Effect of this bill. Since General Funds are expended in the annual budget act, this bill is a statement of legislative intent and has no force of law.

Need for this bill. According to the author, "At a time when the Legislature and Governor have been forced to enact \$1 billion in non-Proposition 98 General Fund cuts to higher education, this bill provides an opportunity to revisit the question if it's appropriate to require or even allow the CSU and UC to use non-Proposition 98 funding for high-school coursework. The remaining General Funds no longer being used to support remediation could instead be redirected to offset faculty layoffs, other instructional program cuts, or even be redirected to other areas of the State's General Fund budget."

Background. UC and CSU evaluate newly admitted students to determine whether they are prepared for college-level work. According to a March 2011 issues brief by the Legislative Analyst's Office, of regularly admitted CSU freshmen in 2009, about 58% were unprepared for college-level writing or math or both. UC freshmen remediation needs have declined slightly in recent years; in 2010, about 26% of regularly admitted freshmen arrived unprepared for college-level writing. According to a survey by the CCC Chancellor's Office, about 85% of incoming CCC students arrive unprepared for college-level work in math, and about 70% arrive unprepared for college-level English.

- 1) UC does not have a systemwide math requirement or placement exam but does have a reading and writing proficiency requirement for incoming freshman, the Entry Level Writing Requirement (ELWR). Students may satisfy the ELWR in a number of ways. For example, prior to enrollment a student may satisfy the requirement through passage of the UC Analytical Writing Placement Exam (formerly called the Subject A Examination), by attaining an acceptable score on another approved test of Writing, or by earning at least three semester credits or four quarter units of transferable college credit in English composition. UC does not consider ELWR a remedial course. Academic proficiency varies significantly among UC campuses.
- 2) CSU students who do not demonstrate proficiency must pass the appropriate precollegiate (commonly called "remedial") courses within one year of admission. CSU will begin implementation of new remediation requirements, called Early Start, beginning in fall 2012. Under Early Start, entering freshmen who are not proficient in math or "at risk" in English will need to start the remediation process before their first term. By 2014 students will need to have started their work on becoming ready for college-level English. Students will be given a menu of options to determine the best approach for them to start their remedial instruction, include such things as senior year high school courses, courses offered in the summer at any one of their local CCC or CSU campuses and online courses, to name a few.
- 3) CCC students are encouraged to take assessment exams but are not required to enroll in remedial courses.

Can or should CCC meet all postsecondary student remediation needs? The Committee may wish to consider if it is best to endorse completely precluding UC and CSU from providing remediation. There may be instances when it is more cost-effective for the state and beneficial to the student to receive remedial instruction at the student's UC or CSU campus. At a time when CCCs are reducing course offerings and limiting access, can CCC realistically meet all UC and CSU student remediation needs, and by doing so will this reduce access to another student for whom CCC is the only public educational option?

Previous legislation. SB 618 (Dutton, 2009), which was never heard in the Senate, expressed legislative intent to hold the public elementary and secondary education system responsible for adequately preparing its pupils for coursework at UC and CSU without the need to take remedial education courses. AB 2631 (Firestone, 1996), which failed passage on the Assembly Floor, would have allowed the K-12 Proposition 98 apportionment to be offset for the costs of remedial instruction in English or mathematics provided at UC, CSU or CCC.

REGISTERED SUPPORT / OPPOSITION:

Support

EdVoice

Opposition

California State University

Analysis Prepared by: Sandra Fried / HIGHER ED. / (916) 319-3960