

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1942 (Muratsuchi) – As Introduced February 10, 2022

SUBJECT: Community colleges: funding: instructional service agreements with public safety agencies

SUMMARY: Requires instruction provided by community college districts (CCD) under instructional service agreements (ISA) with public safety agencies, as defined, to be funded under the apportionment formula used for instruction in career development and college preparation. Specifically, **this bill:**

- 1) Specifies that instruction provided under an instructional service agreement between a CCD and a public safety agency shall be funded under the apportionment formula used for instruction in career development and college preparation, as specified, commencing in the 2022–23 fiscal year.
- 2) Defines a public safety agency to include, but not necessarily limited to, a fire department, a police department, a sheriff's office, a public agency employing paramedics or emergency medical technicians, the Department of the California Highway Patrol, and the Department of Corrections and Rehabilitation.
- 3) Makes various technical and clarifying amendments.

EXISTING LAW:

- 1) Adopts a Community College Student Success Funding Formula for CCC general purpose apportionments for credit instruction intended to encourage access for underrepresented students, provide additional funding in recognition of the need to provide additional support for low-income students, reward colleges' progress on improving student success metrics, and improve overall equity and predictability so that community college districts may more readily plan and implement instruction and programs. (Education Code (EDC) Section 84750.4.)
- 2) Prior to adoption of (1), general purpose apportionments for credit instruction were funded based on an annual allocation based on the number of colleges and off-campus centers in a community college district and, principally, on a rate per full-time equivalent student (FTES) for enrollment in credit courses. The rate, which is adjusted annually for changes in the cost of living, is \$5,907 per FTES in 2021-22. (EDC Section. 84750.5(d)(2).)
- 3) Provides that career development and college preparation courses shall be funded at the same level as the credit rate, as established pursuant to (2). (EDC Sect. 84750(d)(4)(A)(ii).)
- 4) Stipulates that the following career development and college preparation courses and classes, for which no credit is given, and that are offered in a sequence of courses leading to a certificate of completion, that lead to improved employability or job placement opportunities, or to a certificate of competency in a recognized career field by articulating with college-level coursework, completion of an associate of arts degree, or for transfer to a four-year

degree program, and that meet funding criteria established by the CCC Board of Governors, shall be eligible for funding at the credit rate as established in (3): (EDC Sect. 84760.5.)

- a) Classes and courses in elementary and secondary basic skills;
 - b) Classes and courses for students, eligible for educational services in workforce preparation classes, in the basic skills of speaking, listening, reading, writing, mathematics, decision-making, and problem solving skills that are necessary to participate in job-specific technical training;
 - c) Short-term vocational programs with high-employment potential, as determined by the chancellor in consultation with the Employment Development Department utilizing job demand data provided by that department; and
 - d) Classes and courses in English as a second language and vocational English as a second language. Districts offering courses described above, but not eligible for funding at the credit rate are eligible for funding at the noncredit rate.
- 5) Funds noncredit instruction at an established rate per-FTE student (currently \$3,552) and adjusts the rate annually for the change in the cost of living. (EDC Section. 84750.5(d)(3).)
- 6) Stipulates that the following noncredit courses and classes are eligible for funding per (5): (EDC Sect. 84757.)
- a) Parenting, including parent cooperative preschools, classes in child growth and development and parent-child relationships;
 - b) Elementary and secondary basic skills and other courses and classes such as remedial academic courses or classes in reading, mathematics, and language arts.
 - c) English as a second language;
 - d) Classes and courses for immigrants eligible for educational services in citizenship, English as a second language, and work force preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving skills, and other classes required for preparation to participate in job-specific technical training;
 - e) Education programs for persons with substantial disabilities;
 - f) Short-term vocational programs with high employment potential;
 - g) Education programs for older adults;
 - h) Education programs for home economics; and
 - i) Health and safety education.

- 7) Establishes the Community College Student Success Funding Formula Oversight Committee for the purpose of continuously evaluating and reviewing the implementation of the student success funding formula established pursuant to (1). A priority of the committee shall be to review and make recommendations to the Legislature and the Department of Finance, by June 30, 2021 as to whether noncredit instruction and ISAs should be incorporated into the base and supplemental allocations of the formula. (EDC Sect. 84750.41.)

This code section sunset and was repealed on January 1, 2022.

- 8) Stipulates that, for purposes of computing a community college district's FTES, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law, if the courses are fully open to the enrollment and participation of the public. Prerequisites for such courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses. (Title 5 California Code of Regulations (CCR) 58051(c).)
- 9) Stipulates that, in the event in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for the restricted courses shall not be reported for purposes of state apportionments. A community college district which restricts enrollment in in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses. (Title 5 CCR 58051(f).)

FISCAL EFFECT: Unknown

COMMENTS: *Purpose of the bill.* According to the author, "California public safety agencies have ongoing, mandated training through their respective state agencies which is critical to training public safety personnel critical to all communities. AB 1942 ensures these public safety agencies are able to receive their ongoing training through the California Community College system."

AB 1942 would bring public safety ISA courses outside the new funding formula, and instead fund these courses using the previous apportionment model for credit courses, which simply provides an annual cost of living adjustment to the per-FTES rate from the prior year.

Background. Around 30 community college districts offer public safety classes through ISAs. These courses include the basic police and fire academy curriculum for new recruits to sheriff, police, and fire departments, as well as specialized, ongoing and enhanced public safety training, some of which is mandated. The community colleges partner with their local police and fire departments to offer this training through ISAs, which have been funded through the CCC's enrollment-based state apportionments. These state revenues are typically shared by the colleges with their partnering agencies in order to help cover all parties' respective costs related to the training.

For 2018-19, the state adopted and began phasing in a new funding formula for the CCC. According to the LAO, currently 70% of CCC apportionments will be based on enrollment. The remaining 30% is apportioned based on districts serving students of need (20%) and for various

measures of student success (10%), such as attainment of degrees or certificates, transferring to four-year institutions, or for obtaining gainful employment.

Oversight Committee examined this issue. Concurrent with enacting the new formula, legislation established the Community College Student Success Funding Formula Oversight Committee to evaluate and review implementation of the formula. The committee was, in part, charged to review and make recommendations regarding whether or not ISA courses should be included within the funding formula, and present these recommendations by June 30, 2021. The Committee recommended that the Change the funding rate for full-time-equivalent student (FTES) enrollment in credit courses taught through ISAs to be the same rate as is used for Special Admit students in credit courses. The provisions of this bill effectively align with that recommendation, which for FY 21-22 provide \$5,907 per FTES.

Staff Comment. AB 720 (Muratsuchi), of 2019, is substantively similar to this bill. In their respective committee analyses, the policy committees of both houses of the Legislature questioned if it made sense to wait for recommendations from the Community College Student Success Funding Formula Oversight Committee. As noted above, the oversight committee did indeed recommend aligning the ISA courses addressed in this bill under the prior apportionment formula. The oversight committee recommendation was slightly different than the provisions of AB 1942, in that the oversight committee recommended using the Special Admit formula, which uses a slightly different method of attendance calculation than the formula used for instruction in career development and college preparation. The funding per FTES, however, is the same (\$5,907 per FTES for FY 21-22).

The unique nature of these ISA courses and their students does not readily lend itself to the funding model recently constructed and applicable to most community college classes. Reducing the funding for high cost courses would seem like a disincentive to offering those courses.

Student Centered Funding Formula overview. Prior to 2018-19, the state based community college general purpose apportionment funding for both credit and noncredit instruction almost entirely on full time equivalent (FTE) enrollment.

The state changed the credit-based apportionment formula, now known as the Student Centered Funding Formula (SCFF), to include the following three main allocations:

- 1) **Base Allocation.** As with the prior apportionment formula, the base allocation gives each district certain amounts for each of its colleges and state-approved centers. It also gives each district funding for each credit FTE student (about \$4,200 in 2021-22).
- 2) **Supplemental Allocation.** The SCFF provides an additional \$919 for every student who receives a Pell Grant, receives a need-based fee waiver, or is undocumented and qualifies for resident tuition. Student counts are “duplicated,” such that districts receive twice as much supplemental funding (about \$2,000 in 2021-22) for a student who is included in two of these categories.
- 3) **Student Success Allocation.** The formula also provides additional funding for each student achieving specified outcomes—obtaining various degrees and certificates, completing transfer-level math and English within the student’s first year, and obtaining a regional living

wage within a year of completing community college. Each of the specified outcomes have different funding amounts.

The new formula does not apply to credit enrollment generated from incarcerated students, high school students, or to any noncredit enrollment. Apportionments for these students remain based entirely on enrollment.

Arguments in support. The California Fire Chiefs Association and the Fire Districts Association of California jointly wrote in support of AB 1942, noting that “California public safety agencies have ongoing mandated training for public safety personnel... these trainings are a requirement for employment by police and fire agencies. It is imperative that community colleges are properly funded for their collaboration in offering these trainings for our public safety agencies.”

Lake Tahoe Community College District noted that “While the SCFF works well for most traditional college programs, courses offered through ISAs do not easily fit into the new formula. Students enrolled in ISA courses are typically already employed by a public agency and do not need financial aid; further, ISA courses general do not lead to a certificate or degree. By reducing funding for ISA courses, the SCFF inadvertently risks de incentivizing community colleges from participating in these important partnerships. These courses are often costly to conduct, requiring expensive equipment, oversight by multiple agency partners, and instructors with specialized skills. AB 1942 would address this problem by providing funding for courses offered under an ISA at the same apportionment rate used for instruction in career development and college preparation non-credit.”

Prior legislation. AB 720 (Muratsuchi), of 2019, would have funded community college courses offered through an ISA with a public safety agency at a specified apportionment rate rather than according to the SCFF. AB 720 was held in the Senate Committee on Appropriations.

REGISTERED SUPPORT / OPPOSITION:

Support

Antelope Valley Community College District
California Fire Chiefs Association
Fire Districts Association of California
Lake Tahoe Community College District
Los Angeles County Sheriff Department
Palo Verde Community College District
San Diego Community College District
Yuba Community College District

Opposition

None on file.

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