

Date of Hearing: April 24, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 3255 (Committee on Higher Education) – As Introduced March 15, 2018

**SUBJECT:** Postsecondary education: omnibus bill.

**SUMMARY:** Makes several changes to the Education Code (EC). Specifically, **this bill:**

- 1) Authorizes the California Commission on Teacher Credentialing (CTC) to provide the California State University (CSU) and the California Department of Education (CDE) the data it collects regarding credentialed teachers.
- 2) Designates a homeless and foster student liaison at a campus of the University of California (UC), the CSU, or a California Community College (CCC) district, to be an authorized individual to verify a student's status as homeless.
- 3) Aligns the Definition of "Armed Forces of the United States" with the definition in other parts of the EC.
- 4) Authorizes the CCC Chancellor's Office (CCCCO) to establish a process for community college districts to use when determining residency classification.
- 5) Clarifies that for specified students to be eligible for in-state tuition, they must have three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
- 6) Adds the term "technology" to the definition of "access costs" when referring to specified Cal Grant Access Award dollars.
- 7) Changes the composition of the California Student Opportunity and Access Program (Cal-SOAP) Advisory Committee, as established by the California Student Aid Commission (CSAC).
- 8) Changes the date that the governing board of each community college district shall adopt its nonresident tuition fee (each board will have to adopt its nonresident tuition fee not later than March 1 of each year for the succeeding fiscal year, instead of currently February 1 of each year for the succeeding fiscal year).
- 9) Changes the due date of the Career Development and College Preparation (CDCP) report by the CCC Chancellor to the Department of Finance and the Legislature, from July 1 of each year to November 1 of each year.

**EXISTING LAW:**

- 1) Requires the CTC to maintain for public record and authorizes the CTC to disclose, only the following information relating to the credentials, certificates, permits, or other documents that it issues: the document number, title, term of validity, subjects, authorizations, effective

dates, renewal requirements, and restrictions. Specifies that the CTC, in order to expedite the application process for the benefit of applicants for credentials, certificates, permits, or other documents issued by the CTC, the CTC may receive from, or transmit to, the agency that submitted the application, either electronically or by printed copy, the information set forth in that application (EC Section 44230).

- 2) Requires, among other provisions, institutions of higher education to designate a Homeless and Foster Youth Student Liaison and provides that homeless youth are eligible for specific financial aid, enrollment priority, and other services. Specifies that students' status as homeless must be verified by one of the following: (1) a homeless services provider; (2) the director of a federal TRIO or Gaining Early Awareness and Readiness for Undergraduate Programs program, or a designee of that director; or (3) a financial aid administrator for an institution of higher education (EC 66025.9).
- 3) Specifies that a student who is a member of the Armed Forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. Additionally, existing law specifies that if that member of the Armed Forces of the United States who is in attendance at an institution is thereafter transferred on military orders to a place outside this state where the member continues to serve in the Armed Forces of the United States, the member shall not lose resident classification so long as the member remains continuously enrolled at that institution (EC 68075).
- 4) Establishes student residency requirements for postsecondary education; and authorizes a community college district to accept the determination of another community college district as to a student's residency classification, if specified conditions are satisfied (EC Sections 68000, et seq. and 68101).
- 5) Exempts specified California nonresidents from paying nonresident tuition at UC, CSU, and CCC, also known as the AB 540 nonresident tuition waiver, if they meet all of the following:
  - a) Attended or attained credits at a California high school, an adult school, a CCC campus, or a combination of these entities, for the equivalent of three or more years; or completed three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of such elementary and secondary schools;
  - b) Graduated from a California high school or attained an equivalent degree; attained a CCC associate degree; or fulfilled the minimum transfer requirements from a CCC campus to a UC or CSU campus;
  - c) Registered or attended an accredited California higher education institution beginning after fall of the 2001-02 academic year; and,
  - d) If a person without lawful immigration status has filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to so do (EC Section 68130.5.).

- 6) Defines “access costs” to mean living expenses and expenses for transportation, supplies, and books; and specifies that Cal Grant C awards may be used for institutional fees, charges, and other costs, including tuition, plus training-related costs, such as special clothing, local transportation, required tools, equipment, supplies, books, and living expenses (EC Sections 69432.7 and 69439).
- 7) Requires the CSAC to establish a 12-member project grant advisory committee relating to Cal-SOAP, to advise project directors and CSAC on the development and operation of the projects, and consisting of the following:
  - a) Three representatives of outreach programs, representing the UC, the CSU, and the CCC, appointed by their respective governing boards;
  - b) One representative of private colleges and universities, appointed by the Association of California Independent Colleges and Universities;
  - c) One representative of the California Postsecondary Education Commission (CPEC), appointed by the commission;
  - d) Two secondary school staff, appointed by the Superintendent of Public Instruction;
  - e) Two persons representing the general public, one appointed by the Speaker of the Assembly and the other by the Senate Rules Committee;
  - f) Two postsecondary students, both appointed annually by the CPEC; and,
  - g) One college campus financial aid officer, appointed by the commission (EC 69562).
- 8) Requires the nonresident tuition fee to be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year and requires each governing board to provide students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect (EC 76140).
- 9) Requires the CCC Chancellor to prepare and submit to the Department of Finance and the Legislature, on or before July 1 of each year, a report that details, at a minimum, the following:
  - a) The amount of full-time equivalent students claimed by each community college district for career development and college preparation courses and classes; and,
  - b) The specific certificate programs and course titles of career development and college preparation courses and classes receiving additional funding pursuant to this section, as well as the number of those courses and classes receiving additional funding (EC 84760.5)

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Omnibus bill.* This measure is the Committee omnibus bill, which seeks to provide various and necessary changes to the EC.

*Rationale for inclusion in the omnibus bill.* This omnibus measure makes several changes to the EC, below is the rationale for why each change is included:

- 1) *CSU Evaluation of Teacher Preparation Programs.* The CSU Center for Teacher Quality (CTQ) currently is charged with data collection, evaluation, and reporting on CSU teacher preparation programs. Since 2001, The CSU Systemwide Evaluation of Teacher Preparation Programs has enabled CSU academic administrators and campus faculties to monitor the effectiveness of, and make needed improvements in, the preparation of K-12 teachers for California's public schools. The evaluation provides information on employment outcomes for recent graduates of professional preparation programs on CSU campuses and evidence about the extent to which graduates are prepared effectively for their most important teaching responsibilities.

Currently, much of the data in this report comes from surveys of program graduates. The reliability and usefulness of the Systemwide Evaluation hinges on the number of new teachers and job supervisors who provide survey responses and feedback on the quality and effectiveness of our programs. Teaching graduates are difficult to reach and job supervisors impossible to reach when a teaching graduate's school assignment is not known.

CSU's current approach for identifying a graduate's school assignment involves requesting this information from the human resources department of every school district in California, supplemented with email requests to each CSU credential program graduate and manual searches of school district websites. This approach is marginally successful. In addition to strengthening the reliability of alumni surveys and employer surveys, comprehensive information about the employment outcomes for credential program graduates would provide extremely useful information for informing teacher education recruitment efforts and strengthening partnerships between university-based preparation programs and the schools and school districts they serve.

Authorizing CTC to share its data, in a way that is compliant with the Family Educational Rights and Privacy Act (FERPA) (which is a federal law that protects the privacy of student education records), will allow CSU and CDE to have more data and provide better reports.

- 2) *Verifying Homeless Students.* Among other provisions, AB 801 (Bloom), Chapter 432, Statutes of 2016, requires institutions of higher education to designate a Homeless and Foster Youth Student Liaison and provides that homeless youth are eligible for specific financial aid, enrollment priority, and other services. Under the provisions of the bill, a students' status as homeless must be verified by one of the following: (1) a homeless services provider; (2) the director of a federal TRIO or Gaining Early Awareness and Readiness for Undergraduate Programs program, or a designee of that director; or (3) a financial aid administrator for an institution of higher education.

Some of the entities currently authorized to verify the status of a homeless student are overburdened with other duties; in some cases, homeless students are not being verified in a timely manner, causing them to not be fully aware of programs specific to helping them succeed and persist in their higher education.

Designating a homeless and foster student liaison to be authorized to verify a student's status as homeless, will assist in ensuring students are notified of specified resources available to them in a more timely manner.

- 3) *Aligning Definition of "Armed Forces of the United States" with the definition in other parts of the Code.* The EC is not consistent with the definition of "Armed Forces of the US".

This change will align all definitions to be the same in Code.

- 4) *Residency Determination Across Districts.* The EC (commencing with Section 68000) establishes student residency requirements for postsecondary education. Pursuant to these provisions, each public institution of higher education is required to classify each student as a resident or nonresident. For community college students, the requirement that each college determine residency for a student before admitting them to the college is problematic. Numerous reports have highlighted the phenomena of “student swirl” – community college students taking courses at more than one college.

The CCCCCO has received questions and complaints from students who have encountered inconsistencies and delays in establishing residency as necessary to enroll in a course, even after they have been determined a resident at their home college.

Authorizing the CCCCCO to establish a process for community college districts to use when determining residency classification, will simplify the process for community college districts and students.

- 5) *Cleanup to SB 68 (Lara), Chapter 496, Statutes of 2017.* Committee Staff understands that at the end of session (in 2017), before the Governor signed SB 68, the administration asked the author for amendments to the bill. The author accepted and made the amendments, but in the process there was a drafting error that was not able to be corrected in time.

Essentially, “in California” was omitted from the first part of the sentence specifying the narrow circumstances under which students can qualify for instate tuition; currently, the section could be read to allow students who fall in this specific category to complete their high school coursework outside of California. This was never the intent of the author.

The language will keep EC 68130.5 (B) to a narrow circumstance in which a student can access in state tuition, as originally intended.

- 6) *Cal Grants: Access Includes Technology.* Adding the word “technology” to the definition of the Access Award should not have a practical impact on the definition, as most people agree that education related technology is already covered, but according to the CSAC, some students are instructed not to use the award for technology as it is not specifically identified.

Specifying that technology is included in the Access Award should resolve the confusion; making it clear that laptops and other necessary items can be purchased with Access Award dollars.

- 7) *California Student Opportunity and Access Program (Cal-SOAP) Advisory Committee.* Cal-Soap was established by the state legislature in 1978. Today, Cal-SOAP is instrumental in

improving the flow of information about postsecondary education and financial aid while raising the achievement levels of low-income, elementary and secondary school students or geographic regions with documented low-eligibility or college participation rates, and who are first in their families to attend college.

Existing law requires the CPEC to appoint some members to the Cal-Soap Advisory Committee. The state has lacked CPEC for several years, causing the Cal-Soap Advisory Committee to not have a full Committee of 12.

Changing the composition of the Cal-SOAP Advisory Committee, allow the Cal-SOAP Advisory Committee to have a full Committee of 12.

- 8) *Nonresident Tuition Fee Adoption Date.* The EC Section 76140(d) requires each community college district to adopt a nonresident tuition fee by February 1, for the following fiscal year.

However, the recommended Nonresident Tuition Fee rates are not available from the CCCCCO until mid-December due to the availability of supporting data for calculations. This does not allow sufficient time for the districts to adequately vet the recommended rates through the normal participatory governance process before the February 1 deadline.

Changing the date to March 1, will give the additional time necessary.

- 9) *Reporting Date for the CDCP Report.* The EC Section 84760.5(e) requires the CCCCCO to submit the annual CDCP report to the Legislature by July 1.

However, the July 1 report deadline is problematic in that it does not allow the CCCCCO sufficient time to capture complete data for the entire fiscal year reported.

To note, nearly two and a half months' worth of data is not included in the report, which presents a distorted depiction of system-wide noncredit enhanced funding trends to the Legislature and the Department of Finance.

Changing the due date of the CDCP report will allow the Legislature and the Department of Finance to receive a comprehensive report.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California State University

### **Opposition**

None on file.

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