

Date of Hearing: May 13, 2020

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 3374 (Committee on Higher Education) – As Introduced March 16, 2020

SUBJECT: Postsecondary education

SUMMARY: This 2020 Committee omnibus bill makes several changes to the Education Code (EDC). Specifically, **this bill:**

- 1) Revises to the operative date to the academic year of 2021-2022 prohibiting California State University (CSU) and, if adopted as specified, the University of California (UC), from admitting an applicant by admission by exception, as defined.
- 2) Clarifies that full-time or part-time clinical nursing faculty may be employed by a single community college district (CCC) for up to 4 semesters or 6 quarters within any period of 3 consecutive academic years, and would also make clarifying and nonsubstantive changes.
- 3) Deletes the requirement that the Legislative Analyst's Office (LAO) submit a final report on the progress of the Basic Skills and Student Outcomes Transformation (BSSOT) grant program
- 4) Makes a clarifying change to the provisions of economic loss detailed in the Student Tuition Recovery Fund (STRF).

EXISTING LAW:

- 1) Commencing with admissions for the 2020–21 academic year, existing law prohibits a campus of the CSU University and, if adopted by the Regents of the UC by appropriate resolution, the UC, from admitting an applicant by admission by exception, as defined, unless the admission by exception has been approved, prior to the student's enrollment, by at least three senior campus administrators, the applicant is a California resident who is receiving an institution-based scholarship to attend the campus, or the applicant is accepted by an educational opportunity program for admission to the campus. Commencing with admissions for the 2020–21 academic year, existing law establishes requirements pertaining to admission by exception at a campus of the CSU and, if adopted by the Regents by appropriate resolution, a campus of the UC, as specified. (Education Code (EDC) Section 66022.5)
- 2) Classifies any person who is employed to teach adult or community college classes for not more than 67% of the hours per week considered a full-time assignment for regular employees having comparable duties, excluding substitute service, as a temporary employee. Existing law also authorizes the governing board of a CCD to employ a qualified individual as a temporary faculty member for a complete academic year, but not less than a complete semester or quarter during an academic year. Finally, existing law requires that the employment of those persons be based upon the need for additional faculty during a particular semester or quarter, as specified. (EDC Sections 87480 et al.)

- 3) Existing law exempts persons serving as full-time or part-time clinical nursing faculty who meet specified requirements from certain limitations imposed under this provision. A single CCD may employ, for up to 4 semesters or 6 quarters, a person serving as full-time clinical nursing faculty or as part-time clinical nursing faculty teaching not more than 67% of the hours per week considered a full-time assignment for regular employees having comparable duties. (EDC Section 87482)
- 4) Requires the Legislative Analyst's Office to aggregate, analyze, and submit an interim report by January 1, 2019, and a final report by December 1, 2021, to the Legislature on the progress of a financial and professional development grant funding program in achieving its prescribed purpose, based on information submitted by community colleges participating in the grant program. (EDC Section 88810)
- 5) The California Private Postsecondary Education Act of 2009 provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education (BPPE) in the Department of Consumer Affairs. The act also establishes the STRF and requires the bureau to adopt regulations governing the administration and maintenance of the fund, including requirements relating to assessments on students and student claims against the fund, and establishes that the moneys in this fund are continuously appropriated to the bureau for specified purposes.

FISCAL EFFECT: Unknown.

COMMENTS: *Omnibus bill.* This measure is the 2020 Committee omnibus bill, which seeks to provide various and necessary changes to the EDC.

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:

Operative Date Change for Admission by Exception Decision. Assembly Bill (AB) 1383 (McCarty), Chapter 522, Statutes of 2019, established a process in statute for the UC and the CSU to use in granting admissions by exception by prohibiting a UC or CSU campus from admitting a student by admission by exception unless the student's admission has been approved by a minimum of three senior campus administrators.

As noted in a September 13th, 2019 Letter to the Assembly Journal, the intent of the author had been for the provisions of AB 1383 to become operative commencing with the 2021-2022 academic year. The change proposed in this omnibus bill to EDC Section 66022.5 is consistent with the author's intent, and gives campuses valuable time to fully comply with AB 1383.

Three Year Calendar Period for Part-Time Nursing Faculty. AB 1051 (Smith), Chapter 234, Statutes of 2019, authorizes CCDs to employ temporary faculty members serving as full-time clinical nursing faculty at one CCD for up to four semesters or six quarters indefinitely; requires each CCD that employs these faculty members to report specified information on or before June 30 of each year; and, requires the California Community Colleges (CCC) Chancellor's Office (CCCCO) to report the findings of the CCDs' report on their clinical nursing faculty staffing levels, to the Legislature and the Governor, on or before September 30 of each year.

A technical error was discovered following the chaptering of AB 1051. Current law states that a person serving as full-time clinical nursing faculty or as part-time clinical nursing faculty

teaching the specified hours per week may be employed by any one community college district under EDC Section 87482 teaching above the 67% load cap "...for up to four semesters or six quarters" - unintentionally implying that the faculty member would be unable to teach above the cap following the conclusion of the four semesters or six quarters. The intent was for faculty to be able to exceed the 67% cap for four semesters in a three year period, and after the conclusion of that time period another three year period would begin. The amendment proposed in this omnibus bill would establish this three year reset. Amendments also proposed in this section would make non-substantive clarifying and clarifying changes.

BSSOT Grant Final Report Deletion: On February 5th, 2016 the LAO noted in a presentation to the Assembly Budget Subcommittee No. 2 on Education Finance that three-quarters of first time college students are assessed as unprepared. This report also noted there is a low percentage of students who complete basic skills courses and persist to certificate or degree completion. The state responded to these concerns, and the 2015-2016 Budget allocated \$60 million in one-time grant funding through the BSSOT to assist colleges in improving their basic skills course offerings.

The passage of AB 705 (Irwin), Chapter 745, Statutes of 2017, has significantly altered remediation and placement policies throughout the CCC system. Thus, several of the objectives and outcomes associated with the BSSOT program are obsolete in the post AB 705 era. While the LAO has completed their interim report on the BSSOT program, the time and effort to collect data for a final report doesn't make sense given the direction of AB 705.

Amendments proposed in this omnibus bill remove the final BSSOT report requirement. *Committee staff notes that*, while this amendment eases the work burden on LAO, requirements in EDC Section 88810(c)(4) leave a work requirement for community colleges. Changing the reporting requirement from three years after receipt of the BSSOT grant to two years would eliminate future work in this area, as colleges have already submitted two years of data for the LAO's interim report. *Moving forward, the Committee may wish to amend this omnibus bill to remove the additional year of reporting for CCCs.*

STRF Technical Clarification. AB 1346 (Medina) Chapter 521, Statutes of 2019, expanded the definition of economic loss to include all cash or other consideration paid by the student to an institution, all expenses related to private or government student loans in connection with the student's attendance, and all third-party payments paid to the student or to the institution in connection with the student's attendance at the institution, as specified, and expanded STRF eligibility to students residing in California and attending a campus of a Corinthian Colleges, Inc. as specified.

Following the chaptering of AB 1346, Legislative Counsel identified inconsistency in EDC Section 94923(f)(2). A comma was needed to make clear that nonpecuniary damages were not to be included in the definition of an economic loss. The amendments proposed in this omnibus bill makes those changes.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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