

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 576 (Maienschein) – As Introduced February 11, 2021

**SUBJECT:** Community colleges: apportionments: waiver of open course provisions: military personnel

**SUMMARY:** Waives open course provisions in statute or regulations of the California Community Colleges (CCC) board of governors (BOG) for any governing board of a community college district (CCD) for classes the district provides to military personnel on a military base, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments. Specifically, **this bill:**

- 1) Requires that:
  - a) Open course provisions in statute or regulations of the BOG must be waived for any governing board of a CCD for classes the district provides to military personnel on a military base. This section does not authorize the waiver of open course provisions in any context or situation other than those that are specifically authorized. Subject to limitations, as specified, the board of governors may include the units of full-time equivalent students (FTES) generated in those classes for purposes of state apportionments; and,
  - b) The attendance hours generated by credit courses will be funded at the marginal credit rate determined as specified. The attendance hours generated by noncredit courses must be funded at the noncredit rate, as specified. The attendance hours generated by instruction in career development and college preparation shall be funded at the rate specified.
- 2) Specifies that a CCD shall not claim, for purposes of state apportionments under this section, any class to which either of the following applies:
  - a) The district receives full compensation for its direct education costs for the conduct of the class from any public or private agency, individual, or group of individuals, and;
  - b) The district has a contract or instructional agreement, or both, for the conduct of the class with a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement.
- 3) Requires that, in reporting a claim for apportionment to the CCC Chancellor under this section, the CCD must report any partial compensation it receives from the above during the period for which the claim is made. The chancellor shall subtract the amount of any partial compensation received from the total apportionment to be paid.

**EXISTING LAW:**

- 1) Establishes that the CCCs are postsecondary schools, will continue to be a part of the public school system of this state, and requires the BOG of the CCC to prescribe minimum standards for the formation and operation of the CCC and exercise general supervision over the CCC. (Section 66700 of the Education Code (EDC))
- 2) Waives the open course provisions in statute or regulations of the board of governors for any governing board of a community college district for classes the district provides to inmates of certain facilities, and authorizes the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments. (EDC Section 84810.5)

#### Title 5 of the California Code of Regulation (CCR)

- 3) California regulation requires that:
  - a) The governing board of a CCD must adopt by resolution the following or a comparable statement: “The policy of this district is that, unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college(s) and who meets such prerequisites as may be established pursuant to section 55003 of division 6 of title 5 of the California Code of Regulations.”; and,
  - b) The statement of policy adopted by the board described above must be published in the official catalog, schedule of classes, and addenda to the schedule of classes for which FTES is reported for state apportionment. A copy of the statement shall also be filed with the Chancellor of the CCC. (5CCR Section 51006)

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Purpose.* According to the author, “AB 576 is an important piece of legislation that will allow community colleges to collect apportionment for courses taught on military bases. Many community college courses allow active military personnel to prepare for the transition to the civilian world. This bill would ensure military service members and their families have access to community college courses that they may not otherwise due to work schedules, family commitments, and service requirements.”

*Open courses.* Current law specifically prohibits CCCs from collecting funds generated by attendance hours for programs that are not “open to the public.” According to the author, this prohibition prevents community college districts from collecting FTES funding for courses held on military bases. According to the author, security concerns often make it very difficult for non-affiliated civilians to attend classes offered on a military installation.

*Military installation access.* The security posture of a military installation is governed by federal policy and force protection condition (FPCON). FPCONs can scale from low (NORMAL) to very high (DELTA), and are dictated by regional, national, or global conditions. Furthermore, FPCON can vary from installation to installation, as local commanders have the flexibility to increase (but not decrease) the FPCON. Thus, installations within a CCD could vary both in their standing security posture, and in the ability to access the installation in the event of an upgraded threat assessment.

In San Diego CCD, the requirements for non-affiliated students to access a base varies from installation to installation, but often requires a background check and the acquisition of a visitor pass – a process that may need to be initiated days before entering the installation to attend a course. According to San Diego CCD, the sponsor of this legislation, “due to security measures to protect the personnel on military bases, the courses offered [by San Diego CCD] are deemed to be closed to the public,” and thus unable to receive reimbursement.

*Committee comments.* Committee staff recommends amendments to clarify that civilians authorized to be on a military installation, like servicemember dependents and civilian employees of the military departments, are included in the provisions of this bill.

84811. (a) (1) Open course provisions in statute or regulations of the board of governors shall be waived for any governing board of a community college district for classes the district provides to military personnel, *their dependents, and authorized civilian employees,* on a military base.

*Prior legislation.* AB 2764 (Gloria, 2020) was nearly identical to AB 576, and died in the Assembly Committee on Higher Education.

SB 1391 (Hancock), Chapter 695, Statutes of 2014, allows CCCs to receive full funding for credit-course instruction offered in correctional institutions and seeks to expand the offering of such courses.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Community College League of California  
San Diego Community College District

### **Opposition**

None on file

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