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EDUCATION



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AGENDA

Wednesday, March 9, 2022
9 a.m. -- John L. Burton Hearing Room (4203)

MEASURES HEARD IN FILE ORDER

- | | | | |
|----|--------|------------|---|
| 1. | SB 851 | Portantino | Cal Grant Program: independent institutions of higher education. |
| 2. | SB 885 | Laird | Community colleges: Current and former foster youth support: NextUp. |
| 3. | SB 893 | Becker | Community colleges: San Mateo County Community College District: California College Promise. |
| 4. | SB 908 | Pan | Student Board Member Advisory Commission. |
| 5. | SB 913 | Hertzberg | School districts: operations. |
| 6. | SJR 9 | Limón | 20th anniversary of the nonresident tuition exemption:
American Families Plan: immigration reform. |

INFORMATIONAL HEARING

SUBJECT: Presentation by the California Association of Student Councils

SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 851 **Hearing Date:** March 9, 2022
Author: Portantino
Version: February 23, 2022
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Cal Grant Program: independent institutions of higher education

SUMMARY

This bill modifies the formula for determining the amount of a Cal Grant award for a student who attends a California nonprofit independent institution of higher education (Independent California Colleges and Universities - ICCU). It further expands eligibility for supplemental Cal Grant programs and the Community College Entitlement program to students attending ICCUs.

BACKGROUND

Existing law:

- 1) Stipulates that public higher education in the state consists of: a) the California Community Colleges (CCC); b) the California State University (CSU), and each campus, branch, and function thereof; and, c) the University of California (UC), and each campus, branch, and function thereof. Defines "independent institutions of higher education" as those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education (Education Code (EC) § 66010).
- 2) Authorizes the Cal Grant program, administered by the California Student Aid Commission (CSAC), to provide grants to financially needy students to attend a college or university. The Cal Grant programs include both the entitlement and the competitive Cal Grant awards. Supplemental awards programs have been created for students with dependent child(ren) and former and current foster youth to assist with non-tuition costs. The program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs, and eligibility is based upon financial need, grade point average (GPA), California residency and other criteria. Maximum award amounts for CSU and UC are established in the annual Budget Act and have traditionally covered all systemwide tuition and fees (EC § 69430 – 69433 and EC § 69465, 69470 and 6945.5).
- 3) Establishes the Student Transfer Achievement Reform (STAR) Act, which in part, requires a student that receives an associate degree for transfer (ADT) to be deemed eligible for transfer to a CSU baccalaureate degree program when the student meets specified requirements. Community college students earn an ADT degree after taking 60 units consisting of general education courses and courses in an academic major. This degree guarantees junior standing at a CSU campus

allowing the student to complete their bachelor's degree within two years of transfer (EC § 66745, et seq.).

- 4) Sets, for the 2022-23, 2023-24, and 2024-25 award years, the maximum Cal Grant tuition award at \$9,220 for new recipients attending ICCUs if these institutions, as a sector, also accept the specified number of transfer students from a CCC who have ADT commitments. The 2022-23 award year enrollment target is 3,000, the amount grows to 3,500 for the 2023-24 award year and for the 2024-25 award year and each award year thereafter the target number is adjusted based on the total number of transfers accepted in prior year. The award amount is reduced should the sector fail to meet established targets. (EC § 69432 et.al.)

ANALYSIS

This bill modifies the formula for determining the amount of a Cal Grant award for a student who attends an ICCU. This bill further expands eligibility for supplemental Cal Grant programs and CCC Entitlement awards to students attending ICCUs. Specifically, it:

Modifies formula for Cal Grants for ICCU students

- 1) Modifies the formula for calculating the amount of Cal Grant awards for students attending ICCUs.
- 2) Sets the Cal Grant award amount for 2022-23, starting at \$9,220, and each award year thereafter to be equal to the award amount for new recipients from the prior award year, adjusted by an amount equal to the California Consumer Price Index (CPI) as calculated by the Department of Industrial Relations.
- 3) Conditions the Cal Grant award amount, described above in paragraph 2), on achievement of ICCUs toward the target numbers for ADT commitments that apply in existing law for the prior award year.
- 4) Eliminates ADT transfer target numbers established for certain award years.
- 5) Provides that, if the number of commitments ICCUs make to accept ADT is less than the target number, the award remains the same amount for new recipients from the prior year, instead of experiencing a reduction in the award amount as specified in existing law.
- 6) Authorizes the Director of Finance to suspend award amount adjustments for Cal Grant A awards if the Governor's budget projects a deficit for the succeeding award year.

Expands eligibility for Supplemental Cal Grants to ICCU students

- 7) Expands eligibility for Cal Grant awards designated for students with dependent child(ren) and foster youth and former foster youth award to students who attend an ICCU.

- 8) Expands eligibility for the Community College Transfer Entitlement award to students who transfer from a community college to an ICCU.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, the bill “Strengthens and expands the state’s support of low income college students who choose to attend an ICCU by 1) restructuring the existing framework for ADT admits targets and Cal Grant award amounts to provide a pathway to future award growth for students; 2) expands eligibility for supplemental Cal Grant support to student parents and foster youth who attend an ICCU and the California Community College Entitlement Program to allow newly eligible transfer students to use their remaining Cal Grant eligibility at an ICCU.

“These changes will improve affordability for low-income students and remove artificial barriers to supplemental support offered to similar students attending a public four-year university. It eliminates the glaring discrepancy on how foster students, student parents, and CCC transfer students are treated under the Cal Grant program if these students so choose an [California] independent college or university.”

The author further asserts, “The changes reflected in SB 851 will assist the state in producing the educated workforce it needs, help close the equity gap among our state’s college population, and restore California’s Master Plan that envisioned a strong role for California’s independent colleges and universities in serving students.”

- 2) ***Why increase the Cal Grant award for ICCUs?*** This bill seeks to increase and stabilize the Cal Grant award amount and expand program eligibility to ensure the continued access of students to Western Association of Schools and Colleges (WASC) accredited non-public independent California colleges and universities (ICCU). Below is a summary of information about the sector and the Cal Grant recipients the serve.

- a) ***WASC accredited non-public institutions.*** The institutions that would benefit from the provisions of this bill are generally members of the Association of Independent California Colleges and Universities (AICCU), which represents about 80 private, nonprofit, WASC accredited colleges and universities headquartered in California. These institutions include research universities, liberal arts colleges, religiously affiliated institutions, and specialized colleges and universities that focus on the arts, theater and music.

The AICCU reports that their member institutions enroll over 350,000 students, comprised of 184,468 undergraduate students and 148,676 graduate students. ICCU institutions award over 50 percent of all graduate degrees in California and approximately 20 percent of the baccalaureate degrees. The sector produces 45 percent of the teaching credentials, 27

percent of computer and information science degrees, 51 percent of nursing degrees, and 94 percent of clinical, counseling and applied psychology degrees in the state. California residents make up approximately 76 percent of the undergraduate population of ICCUs.

- b) *Who is served?* According to AICCU, Cal Grant students at their member institutions are overwhelmingly the first in their families to go to college and from historically underrepresented groups in higher education. AICCU reports that data collected over the years has consistently demonstrated that Cal Grant students graduate at a higher level than the general student population in the sector even with the barriers they confront.

According to the AICCU's survey of their member institutions, 65 percent of their Cal Grant students graduate in 4-years (similar to the 4-year rate at the UC) and 47 percent are first generation college students. Approximately 50 percent of the Cal Grant population at AICCU institutions is Latino, 20 percent Caucasian, 14 percent Asian and Pacific Islander, 6 percent African American. The sector educates about 32,000 adult learners and over 27,000 California students through the Cal Grant program. AICCU reports enrollment of new community college students annually. Based upon data from the CSAC, the average family income for Cal Grant A students is about \$50,000 and \$26,000 for Cal B Students attending a non-profit private college. Additionally, the average family income for transfer entitlement students is \$72,000 for Cal Grant A and \$21,000 Cal Grant B. The average institutional aid award to a Cal Grant student is approximately \$23,000.

- 3) ***Modifying the Cal Grant formula for ICCU students.*** In an effort to encourage participation and align ICCUs with state objectives around transfer, the 2018 budget trailer bill, AB 1809 (Committee on Budget, Chap. 33, stat. of 2018) conditioned the amount of a Cal Grant tuition award for ICCUs on reaching annual goals for accepting CCC transfer students with ADT commitments. The award amount is maintained at current levels unless target goals are not achieved. To date, ICCUs collectively have struggled to meet statutory targets. Despite this, an award reduction for new recipients did not occur rather recent budget actions delayed implementation of annual goals in order to preserve the award for students. This bill eliminates the award reduction option and instead, when the target number is not achieved, the award is held at the same level for new recipients from the prior year. Seemly, adjustments proposed in this bill could make transfer targets more attainable for ICCUs while allowing for continuous growth of acceptance targets year after year.

According to the author, the current framework to determine Cal Grant award amounts for ICCUs was developed several years ago with the Brown Administration, which was interested in seeing ICCUs adopt ADT pathways. The author asserts, that the static targets established in the framework provided no consideration for near-term shifts in higher education, and the shortcoming of this approach was best demonstrated by the impact of the global pandemic on college enrollment. In 2020, AICCU conducted a survey of institutions and found that 68 percent of responding institutions experienced a decrease in transfer

student enrollment. According to its leadership, AICCU continues to be supportive of ADT as an important transfer pathway for students, but the existing framework in the near term is not sufficient to accurately set targets in a dynamic manner that responds to broader shifts in the state and higher education. The graph below provided by the AICCU illustrates the reported ADT admissions to date, ADT initial targets that were with the original agreement, and what the targets would have been if using the calculation proposed by this bill.

Academic Year	ADT - Actual Reported	ADT Initial Targets	ADT Target - Dynamic	
			CCCCO Data Mart	IPEDS
2018-19	869	2,000	N/A	N/A
2019-20	2,372	3,000	784	1178
2020-21	2,175	3,500	2093	2360
2021-22	TBD		1972	1994

- 4) **Increases to maximum Cal Grant award.** According to AICCU, the lack of predictability and stability in the award level for Cal Grant students has adversely impacted student access to ICCUs. This bill proposes to adjust the Cal Grant tuition award at ICCUs by inflation. The LAO’s 2018-19 Budget Higher Education Analysis reported that, prior to the restructuring of the Cal Grant program in 2000, state law linked the ICCU award to both state General Fund support per CSU student and to UC/CSU tuition. The policy served as an aspirational goal against which to measure state funding. The Legislature removed these provisions as part of the Cal Grant program restructuring in 2000. Since then, the maximum tuition award for new recipients at ICCUs has fluctuated in amounts ranging between \$8,322 (2004-05) to \$9,220 (2021-22). Although stabilizing the award is important, by linking growth to inflation this proposal differs from historic practices and prior legislation that ties ICCU tuition award amounts to costs at CSU and/or UC. The LAO’s analysis recommended the state consider using a Cal Grant formula similar to what the state used over 20 years ago. The LAO analysis stated, “To improve students’ buying power and choice, we recommend the Legislature increase the Cal Grant award for students attending these [ICCUs] institutions. In setting the award amount, we recommend the Legislature use the state’s historic Cal Grant formula for private colleges.”

Ensuring that awards keep pace for students at ICCUs is important; however, should the bill move forward the author may wish to consider whether establishing a CPI metric for setting the amount of a Cal Grant award for ICCU students is the appropriate mechanism or whether using a formula that links to costs at CSU and/or UC is warranted, as proposed by the LAO in its 2018-19 Budget Higher Education analysis.

- 5) **Expanding eligibility for supplemental and entitlement awards.** Recent budget actions have expanded Cal Grant program for target populations attending public postsecondary institutions. Supplemental Cal Grant awards for students with dependent children and for current and former foster youth offer up

to \$6,000 in aid to qualifying Cal Grant A and B recipients. Additionally, the state expanded Cal Grant entitlement award eligibility to older community college students by eliminating age and time out-of-high school restrictions. Recipients of the Community College Transfer Entitlement award retain their eligibility when transferring to a CSU or UC. Neither the supplemental award program nor the CCC entitlement award is available to students who attend nonpublic institutions, including ICCUs. Alternatively, ICCU students may qualify for a transfer entitlement award or a Competitive Cal Grant award, which have different and perhaps stricter eligibility criteria.

6) ***Prior and related legislation***

AB 1746 (Medina, 2022) would make significant reforms to the Cal Grant program, the state's largest post-secondary financial aid program, including phase-out existing programs and creation of the new Cal Grant 2 Program for community college students and the Cal Grant 4 Program for students attending the University of California (UC), California State University (CSU), and eligible private institutions. AB 1746 similar to this bill would link Cal Grant 2 award increases with inflation. AB 1746 has been referred to the Assembly Committee on Higher Education.

AB 2030 (Blanca Rubio, 2020) similar to AB 1307 below, would have established a formula to determine the amount of Cal Grant awards for students attending California independent, nonprofit colleges and universities. AB 2030 was not heard by the Senate Education Committee due to the shortened 2020 Legislative calendar.

AB 1307 (Blanca Rubio, 2019) similar to this bill, would have created a new Cal Grant for California nonprofit independent intuitions of higher education. The formula was to be set and maintained at 80% of the sum of the General Fund share of the California State University (CSU) marginal cost of instruction and maximum Cal Grant award for tuition at the CSU. Unlike this bill, AB 1307 did expand eligibility to other programs. AB 1307 was vetoed by the Governor whose message read, in part:

"...While this is a worthy measure, it creates ongoing General Fund costs in the tens of millions of dollars annually, and should be considered in the annual budget process."

AB 1166 (Burke, 2017), which was held in this Committee by the request of the author, was similar in nature to this measure.

AB 831 (Bonilla, 2015), which was held on the Assembly Appropriations Suspense File, was similar in nature to this measure.

AB 1318 (Bonilla 2014), which was held by the author on the Senate Floor, was similar to this measure except that under AB 1318, students attending for-profit WASC accredited institutions would also have been eligible for the increased award amount.

SUPPORT

Association of Independent California Colleges & Universities (AICCU)
California Catholic Conference
John Burton Advocates for Youth
Loyola Marymount School of Education
University of Southern California

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 885 **Hearing Date:** March 9, 2022
Author: Laird
Version: March 1, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Community colleges: Cooperating Agencies Foster Youth Educational Support Program

NOTE: This bill has been referred to the Committees on Education and Human Services. A "do pass" motion should include referral to the Committee on Human Services.

SUMMARY

This bill eliminates the existing cap on the number of community college districts (20) that may administer the Cooperating Agencies Foster Youth Educational Support Program, and makes other changes to this program.

BACKGROUND

Existing law:

Priority enrollment

- 1) Requires each campus of the California State University and California Community Colleges (CCC), and requests each campus of the University of California, to grant priority enrollment to current and former foster youth and current and former homeless youth. (Education Code (EC) § 66025.9)
- 2) Defines current or former foster youth as a person in California whose dependency was established or continued by a court of competent jurisdiction (including a tribal court) on or after the youth's 13th birthday and who is no older than 25 years of age at the commencement of the academic year. (EC § 66025.9)

Cooperating Agencies Foster Youth Educational Support Program (NextUp)

- 3) Authorizes the CCC Chancellor's Office to enter into agreements with up to 20 community college districts to provide additional funds for services in support of postsecondary education for foster youth. Existing law provides that services are to include, when appropriate, outreach and recruitment, consultation and eligibility verification, consultation and referrals for students deemed ineligible, service coordination, counseling, book and supply grants, tutoring, independent living and financial literacy skills support, frequent in-person contact, career guidance, transfer counseling, child care and transportation assistance, and referrals to health services, mental health services, housing assistance, and other related services. (EC §

79220)

- 4) Requires a student participant in this program to meet both of the following requirements:
 - a) Be a current or former foster youth in California whose dependency was established or continued by a court on or after the youth's 13th birthday; and
 - b) Be no older than 25 years of age at the beginning of any academic year in which the student participates in the program. (EC § 79222)
- 5) Establishes as eligibility criteria, among other things, that the student qualify to receive a fee waiver with a calculated Expected Family Contribution of \$0. (California Code of Regulations, Title 5, § 56403)

ANALYSIS

This bill eliminates the existing cap on the number of community college districts (20) that may administer the Cooperating Agencies Foster Youth Educational Support Program, thereby enabling this program to expand to every community college district. This bill also makes programmatic changes. Specifically, this bill:

- 1) Removes the existing cap on the number of community college districts (20) that may administer the Cooperating Agencies Foster Youth Educational Support Program, thereby enabling this program to expand to every community college district.
- 2) Eliminates the existing application process for a community college district's participation, as well as the requirement that the application include information about cooperating with local entities that support current and former foster youth.
- 3) Replaces the application process with one where interested community college districts submit a letter of intent.
- 4) Authorizes eligible students to participate in the program while enrolled in fewer than nine units if that is part of an academic plan designed to move the student towards subsequent enrollment in at least nine units.
- 5) Modifies priority for funding if the number of requests to participate exceeds available funding, from districts with the higher number of eligible students to being based on the geographical distribution of eligible students.
- 6) Reduces the percentage of funding that may be used for administration of this program, from two percent to one percent, and adds that these funds are also to be used for program development and program accountability.
- 7) Deletes the authority for the CCC Board of Governors to allow the Chancellor to designate up to three percent of program funds for program development and program accountability.

- 8) Changes the name of the Cooperating Agencies Foster Youth Educational Support Program to NextUp.
- 9) Clarifies that funding is appropriated to community college districts and is then allocated to selected community colleges within the community college district.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, "Senate Bill 885 furthers California's goal of providing educational opportunities to all students by expanding the supportive services that could be offered to former and current foster youth across the California Community College system. Given the plethora of challenges this population has to overcome to succeed in college, the NextUp Program provides a comprehensive support system to meet these students where they are.

"Currently, the program is limited to 20 districts which has resulted in just 46 of the 116 colleges offering the program. This legislation will eliminate that cap, and allows additional colleges the opportunity to establish and support a NextUp program. This investment comes at a crucial time when expanded supports for post-secondary education is top of mind, and this bill allows the Legislature to make a meaningful impact in the lives of these vulnerable students."

- 2) *NextUp.* The Student Success Task Force reported that students who maintained full-time enrollment (12 units) were more likely to meet their educational goals. Regulations established eligibility for student support to include full-time enrollment. However, reports specific to educational outcomes of foster youth found that maintaining full-time enrollment is an obstacle for students who are current or former foster youth; many do not continue to attend beyond the first year. As a result, legislation established the "Cooperating Agencies Foster Youth Educational Support Program" in statute in 2015. In 2017, the CCC Chancellor's Office changed the name of this program to "NextUp." The goal is to provide the support and services to students necessary to assist them in meeting the requirements of the Student Success Act.

A student is eligible to be served by the NextUp program if the student is a current or former foster youth who was in care on or after the student's 13th birthday, is enrolled in at least 9 units, and is not older than 25 years of age at the beginning of the academic term in which the student participates in NextUp.

The NextUp program provides traditional student support services such as orientation, in addition to outreach and recruitment, consultation and eligibility verification, consultation and referrals for students deemed ineligible, service coordination, counseling, book and supply grants, tutoring, independent living and financial literacy skills support, frequent in-person contact, career guidance, transfer counseling, child care and transportation assistance, and referrals to health services, mental health services, housing assistance, and other related services.

Existing law requires the CCC Board of Governors to submit a report by March

31, 2020 and biennially thereafter, describing its efforts to serve students who are current and former foster youth, and include:

- a) A review on a campus-by-campus basis of the enrollment, retention, transfer, and completion rates of foster youth, including categorical funding of those programs.
- b) Recommendations on whether and how the program under this article can be expanded to all community college districts and campuses.

The 2020 report includes the following recommendations: (1) remove the cap on the number of participating districts to allow strategic expansion and innovation of the NextUp program across the California Community Colleges system; and (2) broadening NextUp program eligibility criteria by including students who have been in foster care on or after their 13th birthday. [NextUp Legislative Report \(cccco.edu\)](http://www.cccco.edu)

- 3) *Program expansion is not automatic.* While this bill eliminates the cap on the number of community college districts that may participate in the NextUp program, expansion is not automatic as districts must still submit a letter of intent and be approved by the Chancellor's Office to receive funding and participate in the NextUp program.
- 4) *Application vs letter of intent.* Currently, community college districts must submit an application to the Chancellor's Office for approval in order to participate in and receive funding for the NextUp program. This bill replaces the application process with one where interested community college districts submit a letter of intent. According to the author, the current application process is burdensome for community college districts and the Chancellor's Office, and notes that letters of intent are currently used for other programs, including the rapid rehousing program.
- 5) *Fewer than 9 units.* Generally, students need to enroll in 15 units to complete "on time" and a minimum of 12 units is typically required to be eligible for most financial aid. Further, data shows that persistence rates fall as it take longer for students to complete their academic plan.

The NextUp program was created to support current and former foster youth while upholding the tenants of the Student Success Act (academic planning and other efforts to support student completion). Students may participate in the NextUp program while being enrolled in only nine units in recognition of the unique difficulties that current and former foster youth often face, and that these students may not persist at all if required to be enrolled in 12 or more units.

This bill authorizes students who are enrolled in fewer than nine units to be accepted into the program if such enrollment is part of an academic plan designed to move the student towards subsequent enrollment in at least nine units. This appears to be a reasonable allowance while maintaining a safety net for participating students.

- 6) *Related budget proposal.* The Governor's Budget currently proposes to expand the NextUp program from 20 to 30 community college districts, and proposes an additional \$10 million in on-going funding.

SUPPORT

California Youth Connection (sponsors)
John Burton Advocates for Youth (sponsors)
Student Senate for California Community Colleges (sponsor)
All Saints Church Foster Care Project
Alliance for Children's Rights
Barstow Community College
Beyond Emancipation
Butte College Inspiring Scholars
Children Now
Children Youth & Family Collaborative
College of The Canyons
Community College League of California
Doing Good Works
Excite Credit Union
Hillsides
Human Services Agency of San Joaquin County
Journey House
Kamali'i Foster Family Agency
Merced College
National Center for Youth Law
National Network for Youth
Norco College
Northern California College Promise Coalition
Pasadena City College
Pepperdine - Seaver College
Pivotal
Power to Soar
Public Counsel
Reedley College
Rio Hondo College
Sacramento City College Eops/nextup
San Bernardino Valley College
Santa Monica College

OPPOSITION

None received

-- END --

- b) Homeless students;
 - c) Dependents or surviving spouses of California National Guard members, either killed or who died from a permanent disability, as a result of service to the state.
 - d) Surviving spouse or child of a California law enforcement officer or firefighter killed in the performance of active law enforcement or fire suppression duties or who died as a result of performing those duties.
 - e) The dependent of any California resident killed in the September 11, 2001, terrorist attacks.
 - f) The child of a United States military veteran who has a service-connected disability, or was killed in action or died of a service-connected disability. (EC § 66025.3.)
 - g) The child of a recipient of the Congressional Medal of Honor. (EC § 66025.3.)
- 4) Creates the California College Promise, established by AB 19 (Santiago, Ch. 735, stats. of 2017), to be administered by the Chancellor of the CCC and requires the Chancellor to distribute funding, upon appropriation by the Legislature, to, among other things, waive some or all of the fees for up to two academic years for first-time students who are enrolled in 12 or more semester units or the equivalent at the college, and who complete and submit either a Free Application for Federal Student Aid or a California Dream Act application. (EC § 76396 – 76396.4)

ANALYSIS

This bill:

- 1) Allows the governing board of the SMCCCD to charge a fee lower than the amount established in statute (\$46 per unit per semester) provided the district meets all of the following requirements:
 - a) Adopt a policy that establishes eligibility requirements for fee rate modifications, including a provision that grants priority to students with the greatest financial need and includes a requirement that the district prepare a fiscal impact statement, as specified.
 - b) Not claim state reimbursement for the difference between the modified fee rate set by the community college district and statewide enrollment fee unless already provided for in statute.
 - c) Only provide fee rate modification to students who reside within the boundary of the community college district.

- 2) Allows SMCCCD to use its existing unrestricted general funds to support implementation of the California College Promise program (AB 19) and assist students with the total cost of attendance.
- 3) Defines for the purposes of the bill "Total cost of attendance" for community college students to be consistent with items defined under federal law including books, supplies and living expense among other things.
- 4) Requires the SMCCCD to only use local unrestricted general funds for purposes of implementing the California College Promise for students who reside within the boundary of the community college district.
- 5) Makes legislative findings and declarations relative to the unique circumstances of the SMCCCD to condition a special law based on the high-cost of living of the region.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "To remove a barriers for students to enroll in, progress through and/or complete degrees and certificates, SMCCCD is seeking (1) greater flexibility in the requirement to collect fees, and (2) the ability to use local funds (unrestricted general fund) to provide direct support to students. Unrestricted Funds may be used for any lawful purpose and are not restricted by any exterior funding source. However, there are certain items that the funds may not be spent on, given they are public funds and cannot be used as a gift to employees, students, or the public.

"Currently, if the District wishes to provide fee waivers, beyond those provided for in Education Code or funded by the state, it must use other funds. The other funds available include grants that specifically allow for these costs such as AB 19 (Santiago, 2017), the District's Foundation, and its Auxiliary Services funds. Additionally, AB 19 has its own restrictions, being limited to first-time, full-time students (12 or more units per term including summer) for up to two years.

"The SMCCCD has current student needs that cannot be met with existing resources made available through AB 19 funds. However, needs can be fulfilled with greater flexibility in the use of unrestricted general funds from local revenue in combination with AB 19 funds to provide for total cost of attendance (i.e. textbooks, housing, transportation, food, etc.)"

- 2) **Allows district to charge lower enrollment fee than the amount charged systemwide.** Enrollment fees charged at CCCs is set in statute and modified by the Legislature. The CCC enrollment fee has remained flat at \$46 per unit since 2012. Current law requires districts to charge the fee but outlines conditions under which those fees are waived for certain students, including those from low-income households. This bill provides SMCCCD authority to charge an enrollment fee that is lower than the amount established in statute to students who reside within the boundary of the district and based on criteria determined by the district. The bill would further prohibit the district from claiming state reimbursement for the difference between the modified amount and the established rate; the district

would need to cover cost using other sources. The SMCCD governing board would be required to establish a fee modification policy and prepare a fiscal impact state for public presentation. *The committee may wish to consider whether allowing a district, based on being located in a high cost of living region, merits greater flexibility from the statewide standard for determining eligibility criteria for enrollment fees. How would it impact neighboring districts, if at all?*

- 3) **Existing fee waivers.** Enrollment fees at CCCs are the lowest in the nation, and waived for almost half of students (43 percent) under the Promise (BOG) fee waiver policy. The BOG fee waiver was renamed as the California College Promise Grant (not be confused with the separate California College Promise program (AB 19)), and waives fees for any CCC student who demonstrates financial need. A full-time or part-time community college student who meets the specified income standards may qualify and may receive the waiver for as long as they are eligible to take courses; there is no minimum unit requirement and the fee waiver is applied to any course for which a student must pay the enrollment fee. Current law additionally requires fees to be waived for surviving dependents of certain military service members and first responders. Some state aid, the Cal Grant Community College Entitlement award, may be used to cover living expenses for eligible CCC students. Despite the availability of these resources and others, the author argues that SMCCD is located in a high cost-of-living region and financial barriers to college access remain. The district seeks to waive fees for SMCCD students who are ineligible for existing state programs.
- 4) **California College Promise Program (AB 19).** In addition to the statutory waivers in the paragraph above, AB 19 (Santiago, Chapter 735, Statutes of 2017) established the California College Promise program (AB 19), which authorizes but does not require CCCs to waive fees for first-time, full-time students *without* financial need for two-years of college. To be eligible for these waivers, students must have no prior postsecondary coursework, enroll in 12 or more units per semester, and submit a FAFSA or a California Dream Act application. Colleges are permitted to use their California College Promise program (AB 19) funding for a broad range of other purposes, such as providing supplemental services to students. Overall, the California College Promise program (AB 19) is designed to help increase college readiness, improve student outcomes, and reduce achievement gaps. The state appropriates program funds and administered by the Chancellor's office. The California College Promise program (AB 19) requirements incentivize colleges to adopt certain student support practices and implement systemic change.
- 5) **Request for greater fiscal flexibility to assist with college costs.** A small number of CCC districts referred to as basic aid districts including SMCCCD are "self-supporting" and do not receive state apportionment because local property tax revenues and student fees provide sufficient funding to cover their general apportionment funding without additional state dollars. In exchange, basic aid districts keep their excess local revenue and use it for educational programs and services at their discretion. This bill seeks to provide SMCCCD with greater degree of discretion for use of its local funds to help students cover college costs and support the implementation of the California College Promise program (AB 19). It appears that SMCCD may currently possess this authority by way of

offering institutional aid such as scholarships or grants. According to the information obtained from the Community College Chancellor's office, any district can use local unrestricted general funds to 1) create local promise programs that are supported or augmented by California College Promise program (AB 19) dollars and 2) support the implementation of the California College Promise program (AB 19). Guidance issued by the Chancellor's office, regarding the California College Promise program (AB 19) allows funds to cover the total cost of attendance, among other things. It's unclear whether codifying provisions around total cost of attendance when systemwide guidance authorizes use of funds for that purpose is necessary or whether codifying those provisions solely for SMCCCD could impact other districts. While this bill perhaps clarifies an existing practice, it could result in less state oversight for how promise funds are spent or how systemwide goals are achieved.

- 6) **Add sunset date and reporting requirement.** If it is the desire of the committee to authorize greater flexibility for local funds and allow SMCCCD to modify enrollment fees, and for purposes of ensuring outcomes justify the additional flexibility, **staff recommends the bill be amended** to add a five-year sunset date of the bill's provisions of June 30, 2028, and require the SMCCCD to report, on March 1, 2026, to CCC Chancellor's office, the Department of Finance and the appropriate committees of the Legislature, on outcomes associated with the authority provided pursuant to the bill.

In order for the Legislature to be informed on, and have oversight of activities and effectiveness of, and potential lessons learned by the district's expanded authority, **staff further recommends that the bill be amended** to require that the report contain all of the following information:

- How the district has determined to use local unrestricted general funds to support implementation of California College Promise program.
- How the district has determined to use local unrestricted general funds to assist students with the total cost of attendance.
- How the district has determined to use California College Promise program funds to assist student with the total cost of attendance.
- A copy of the policy adopted by the board of governors of the community college district that establishes eligibility requirements for fee rate modifications as described in the bill.
- A copy to the fiscal impact statement described in the bill.
- Number and percentage of students receiving a fee waiver or fee reduction pursuant to the bill, disaggregated by age, race/ethnicity, unit load, and income level.
- Number and percentage of students receiving a Promise Grant (BOG waiver), disaggregated by age, race/ethnicity, unit load, and income level.
- Number and percentage of students receiving other forms of institutional aid including scholarships and grants, disaggregated by age, race/ethnicity, unit load, and income level.

- 7) **Prior and related legislation.**

SB 659 (Becker, 2021) similar to this bill would have authorized a community college district to charge an enrollment fee that is lower than the amount established in statute to students who do not already benefit from existing fee waiver policies. SB 659 would have further allowed a community college district the ability to use California College Promise funds to assist students with their total cost of college attendance. Unlike SB 893, SB 659 would have applied to all community college districts. SB 695 was held in the Senate Appropriations Committee.

AB 2266 (Santiago, 2022) would remove, for purpose of eligibility for the fee waiver under the California College Promise program (AB 19), the qualification that students be first-time students and the exclusion of students who have previously earned a degree or certificate from a postsecondary educational institution. AB 2266 is pending referral in the Assembly Rules Committee.

SUPPORT

San Mateo County Chamber of Commerce
San Mateo County Community College District
San Mateo County Economic Development Association

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 908 **Hearing Date:** March 9, 2022
Author: Pan
Version: February 2, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Student Board Member Advisory Commission

NOTE: This bill has been referred to the Committees on Education and Governmental Organization. A "do pass" motion should include referral to the Committee on Governmental Organization.

SUMMARY

This bill establishes the Student Board Member Advisory Commission as a stand-alone state-level body to provide assistance and advice to the student member of the State Board of Education (SBE), the SBE, the Superintendent of Public Instruction, the Legislature, and the Governor in education policy.

BACKGROUND

Existing law:

- 1) Establishes in state government a SBE, consisting of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate. (Education Code § 33000)
- 2) Requires the Governor to also appoint a student member to the SBE with the advice and consent of two-thirds of the Senate. (EC § 33000.5)
- 3) Establishes the term of office of the student member as one year, and limits an individual to serving only one term as a student member. (EC § 33000.5)
- 4) Requires the student member to be, at the time the student member's one-year term begins, a student enrolled in good standing in grade 12 in a public high school. (EC § 33000.5)
- 5) Provides that the student member is to be selected from three students recommended by the SBE, pursuant to the following process:
 - a) Each year, the SBE is to notify every school district that applications are being accepted for the student member's position.
 - b) A screening committee of the SBE is to select 12 semifinalists for the student member's position.

- c) Those semifinalists are to be presented to the California Association of Student Councils, which is to select a maximum of six final candidates for presentation to the SBE.
 - d) Each year, the SBE is to select three finalists for the Governor's consideration and may rank the finalists according to its preference. (EC § 33000.5)
- 6) Provides that the student member is a voting member with the full rights and duties of the other 10 members of the SBE. (EC § 33000.5)
- 7) Establishes the California Youth Empowerment Commission as a stand-alone state-level body to provide meaningful opportunities for civic engagement to improve the quality of life for California's disconnected and disadvantaged youth. (Government Code § 8263)

ANALYSIS

This bill establishes the Student Board Member Advisory Commission as a stand-alone state-level body to provide assistance and advice to the student member of the State Board of Education (SBE), the SBE, the Superintendent of Public Instruction, the Legislature, and the Governor in education policy. Specifically, this bill:

Student Board Member Advisory Commission

- 1) Establishes in the state government the Student Board Member Advisory Commission (Commission) for the purpose of studying and providing assistance and advice to the student member of the SBE, the SBE, the Superintendent of Public Instruction (SPI), the Legislature, and the Governor in education policy as it relates to the experience of the state's students.
- 2) Requires the Commission to also do the following:
 - a) Consult with any existing local-level youth advisory commissions and community-based, grassroots youth-led organizations for input and potential solutions on issues related to youth.
 - b) Draft and approve resolutions that formally articulate the Commission's positions on various youth-related education policies.
 - c) Form committees and task forces to discuss specific issues and policy areas and meet as necessary.
 - d) Conduct public hearings with community and youth organizations to identify pressing issues and debate priorities.
 - e) Appoint advisory committees from within its membership or with outside members whenever necessary. This bill provides that members of an advisory committee are to serve without compensation, but authorizes each to be reimbursed for necessary traveling and other expenses

incurred in the performance of official duties.

- f) Conduct public awareness campaigns to raise awareness about the Commission and to enhance outreach to the youth in the state, as well as establishing student member positions on governing boards of school districts.
 - g) Conduct periodic seminars for its Commissioners regarding leadership, the education system, and the SBE.
- 3) Provides that the student member of the SBE is to serve as the chair of the Commission, and requires the chair to conduct the meetings, draft bylaws, serve as the primary liaison to the government, and oversee the formation of committees as necessary to accomplish the business of the Commission.

Commissioners

- 4) Provides that the Commission is to consist of the following 13 members:
- a) The student member of the SBE.
 - b) Twelve Commissioners appointed by the SBE, upon the recommendation of the student member of the SBE, subject to the following requirements:
 - i) A commissioner must simultaneously serve as a student member on a local school board.
 - ii) One commissioner must reside, work, or attend school in each region of the following regions:
 - A) Region One consists of the Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity.
 - B) Region Two consists of the Counties of Alpine, Amador, Calaveras, Colusa, El Dorado, Nevada, Placer, Plumas, Sacramento, Sierra, Sutter, Yolo, and Yuba.
 - C) Region Three consists of the Counties of Lake, Marin, Mendocino, Napa, Solano, and Sonoma.
 - D) Region Four consists of the Counties of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara.
 - E) Region Five consists of the Counties of Fresno, Inyo, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, and Tuolumne.

- F) Region Six consists of the Counties of Monterey, San Benito, and Santa Cruz.
 - G) Region Seven consists of the Counties of San Luis Obispo, Santa Barbara, and Ventura.
 - H) Region Eight consists of the Counties of Kern, Kings, and Tulare.
 - I) Region Nine consists of the County of Los Angeles.
 - J) Region Ten consists of the County of Orange.
 - K) Region Eleven consists of the Counties of Riverside and San Bernardino.
 - L) Region Twelve consists of the Counties of Imperial and San Diego.
- 5) Requires the SBE to take into consideration that the members of the Commission represent the geographical, racial, ethnic, socioeconomic, cultural, physical, and educational diversity of the state's youth.
 - 6) Provides that particular emphasis and funding should be used to reach out to at-risk or disadvantaged youth to serve as members of the Commission.
 - 7) Provides that Commissioners are to serve one-year terms, and authorizes a Commissioner to seek reappointment as long as they fulfill the requirements in # 4) b) above.
 - 8) Provides that attendance at a meeting of the Commission as a commissioner is a lawful excuse for a student to be absent from school, if approved by the principal or a designated representative as specified.
 - 9) Prohibits a student from being recorded as being absent on any date for which the excuse is related to attendance as a Commission at a Commission meeting, and prohibits the student from being penalized by the school in any manner, including, but not limited to, in attendance records.
 - 10) Provides that a Commissioner's position is deemed vacant in specified situations, with the approval of the executive director of the SBE, and establishes a process for appointment of a replacement member.
 - 11) Provides that members of the Commission are to serve without compensation, except they are to receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including traveling expenses.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, current law “allows for a student member to vote and sit on the California State Board of Education, holding a one-year term. Although this student member position has been a great way for general student needs to be included in educational decisions, this sole student cannot adequately represent the diverse needs of students in California. The needs of students geographically differ, and as California has grown in population, so has the diversity. Currently, there are over 269,000 students experiencing homelessness in California, with Latinx students making up 70% and Black students making up 9% of the California homeless student population despite being much lower in student population. In 2020, it was estimated that English language learners constitute 20% of total enrollment in our public schools. COVID-19 has only exasperated the disparities in education, causing severe learning loss among students. This has affected student mental health and equity in our education system. These are only a few examples of the issues facing our students. One Student Board Member serving a single-year term is not enough to adequately represent all the students and their unique needs.”
- 2) *New state-level body.* This bill establishes a new stand-alone state-level body; the Commission established by this bill will not be under the umbrella of any existing agency or the SBE. This approach is consistent with the recently-established California Youth Empowerment Commission, which is to provide meaningful opportunities for actual civic engagement to improve the quality of life for California’s disconnected and disadvantaged youth. According to the author, the Commission established by this bill will differ in that its purpose is focused on students and education policy rather than broader youth-related issues (such as juvenile justice).

The recently-established California Youth Empowerment Commission further differs from the Commission created by this bill in that the existing Commission has an executive director, is required to hold meetings that are open to the public, and publish a report. While each Commission serves a different purpose, *should the Commission established by this bill also be required to hold open meetings and report on their activities? Further, should this bill include a five-year sunset date, as does the California Youth Empowerment Commission?*

- 3) *Duties of the Commission.* This bill requires the Commission to “study and provide assistance and advice” to the student member of the SBE, the SBE, the SPI, the Legislature, and the Governor in education policy as it relates to the experience of the state’s students. This bill does not specify what the Commission is to study or provide assistance and advice on, other than broad education policy.

Given the breadth and depth of issues that the student member of the SBE must digest and ultimately vote upon, it would likely be helpful if the Commission could study and advise on items before the SBE; however, it could be difficult for the Commission to receive and study SBE materials with sufficient time to provide meaningful and timely advice to the student member of the SBE. Presumably, the Commission chair (student member of the SBE) will facilitate which topics will be studied by the Commission, such as those typically considered by the SBE.

- 4) *Appointment of Commissioners.* This bill provides that the Commissioners are to be appointed by the SBE, upon the recommendation of the student member of the SBE. However, this bill does not specify how the student member of SBE will receive applications or information about application, or what criteria will be used to select Commissioners from amongst the applicants. *The author may wish to consider addressing this moving forward.*

- 12) *Representative of all students?* This bill requires Commissioners to currently be serving as a student member on a local school board. According to the author, this eligibility criteria is in place because the Commission will be tasked with duties somewhat similar to those of student board members. However, this criteria precludes the majority of students from participating on the Commission. *The author may wish to consider including a process whereby all students can review and comment on matters being studied by the Commission.*

- 13) *Fiscal impact.* The costs imposed by this bill are unknown; a similar bill was estimated to have a fiscal impact of "unknown, ongoing annual costs in the hundreds of thousands to low millions of dollars." Staff notes that some of those estimated costs are for staff and compensation that are not included in this bill.

- 14) *Related legislation.* SB 997 (Pan) requires local parent advisory committees to include students as full members, and requires school districts to establish student advisory committees to provide advice to the governing board of the school district and the superintendent of the school district relative to the district's local control and accountability plan. SB 997 is pending in this committee.

SUPPORT

California Association of Student Councils (sponsor)

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SB 913 **Hearing Date:** March 9, 2022
Author: Hertzberg
Version: February 2, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: School districts: operations.

NOTE: This bill has been referred to the Committees on Education and Judiciary. A "do pass" motion should include referral to the Committee on Judiciary.

SUMMARY

This bill reduces the threshold of average daily attendance (ADA), from 400,000 to 300,000, which provides very large school district(s) some flexibility relative to several provisions in the Education Code, thereby reflecting the drop in enrollment in the state's largest school district.

BACKGROUND

Existing law:

Single gender schools and classes

- 1) Authorizes a school district with an ADA of 400,000 or more students, and a charter school that is authorized by such district, to maintain any single gender schools and classes, as specified. (Education Code § 232.2)

Notice of intent to lease real property

- 2) Authorizes the governing board of any school district having an ADA of 400,000 or more, in lieu of a declaration of intention to lease real property, to publish a notice three times in a period of not less than 15 days in a newspaper of general circulation published in the district. (EC § 17467)

Sale or lease of property with a playground or playing field

- 3) Exempts any school district having an ADA of 400,000 or more from provision relating to the sale or lease of a schoolsite that has a school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes. (EC § 17500)

Governing board member compensation

- 4) Authorizes each member of the city board of education or the governing board of a school district with an ADA for the prior year exceeding 400,000, who attends all meetings held to receive as compensation for the member's services a sum

not to exceed two thousand dollars (\$2,000) per month. (EC § 35120)

Administrator to teacher ratio

- 5) Exempts from any reduction in state support resulting from excess administrative employees for the 2019–20 fiscal year to the 2021–22 fiscal year, a school district with an ADA of more than 400,000 as of the 2016–17 second principal apportionment. (EC § 41404.5)

Substitute or temporary employees serving a complete school year

- 6) Exempts any school district in which the ADA is in excess of 400,000 from provisions related to deeming a substitute or temporary employee, who serves during one school year for at least 75 percent of school year and has performed the duties normally required of a certificated employee of the school district, as a probationary employee if employed as a probationary employee for the following school year. (EC § 44918)

Teachers on emergency permit

- 7) Prohibits schools in any school district having an ADA in excess of 400,000 from having at any time a certificated teaching staff, excluding substitutes, of whom more than 5 percent have only an emergency credential. (EC § 44928)

Layoff of probationary certificated employees

- 8) Prohibits, for a school district in which the ADA is 400,000 or more, layoff provisions from being applicable to probationary certificated employees who are covered by a collective agreement which contains provisions for the layoff and reassignment of such employees. (EC § 44959.5)

Transmission of fees to employee organization

- 9) Requires the governing board of a school district with a student population exceeding 400,000 that collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization within 15 *working* days of issuing the paycheck containing the deduction to the employee. (EC § 45168.5)

Sick leave for classified employees

- 10) Exempts a school district or districts, governed by the same governing board, in which the combined ADA of all districts is in excess of 400,000 from the requirement to provide at least 12 days of sick leave to specified classified employees, provided such districts maintain sick leave policies as specified. (EC § 45191)

Personnel commission in districts with a merit system

- 11) Allows a unified school district with an ADA in excess of 400,000, to authorize payment to members of the personnel commission an amount not to exceed \$100 per meeting, and not to exceed \$500 per month. (EC § 45251)

Determining "length of service" relative to classified employee layoffs

- 12) Provides that "length of service," in school districts with an ADA 400,000 or more, for service commencing or continuing after January 1, 1986, is to be determined by the date of hire. (EC § 45308)

ANALYSIS

This bill reduces the threshold of ADA, from 400,000 to 300,000, which provides very large school district(s) some flexibility relative to several provisions in the Education Code, thereby reflecting the drop in enrollment in the state's largest school district. Specifically, this bill:

- 1) Reduces the ADA threshold from 400,000 to 300,000 relative to the following provisions in the Education Code:

Single gender schools and classes

- a) Authorizes a school district with an ADA of 300,000 or more students, and a charter school that is authorized by such district, to maintain any single gender schools and classes, as specified.

Notice of intent to lease real property

- b) Authorizes the governing board of any school district having an ADA of 300,000 or more, in lieu of a declaration of intention to lease real property, to publish a notice three times in a period of not less than 15 days in a newspaper of general circulation published in the district.

Sale or lease of property with a playground or playing field

- c) Exempts any school district having an ADA of 300,000 or more from provision relating to the sale or lease of a schoolsite that has a school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes.

Administrator to teacher ratio

- d) Exempts from any reduction in state support resulting from excess administrative employees for the 2019–20 fiscal year to the 2021–22 fiscal year, a school district with an ADA of more than 300,000 as of the 2016–17 second principal apportionment.

Substitute or temporary employees serving a complete school year

- e) Exempts any school district in which the ADA is in excess of 300,000 from provisions related to deeming a substitute or temporary employee, who serves during one school year for at least 75 percent of school year and has performed the duties normally required of a certificated employee of the school district, as a probationary employee if employed as a probationary employee for the following school year.

Teachers on emergency permit

- f) Prohibits schools in any school district having an ADA in excess of 300,000 from having at any time a certificated teaching staff, excluding substitutes, of whom more than 5 percent have only an emergency credential.

Layoff of probationary certificated employees

- g) Prohibits, for a school district in which the ADA is 300,000 or more, layoff provisions from being applicable to probationary certificated employees who are covered by a collective agreement which contains provisions for the layoff and reassignment of such employees.

Sick leave for classified employees

- h) Exempts a school district or districts, governed by the same governing board, in which the combined ADA of all districts is in excess of 300,000 from the requirement to provide at least 12 days of sick leave to specified classified employees, provided such districts maintain sick leave policies as specified.

Personnel commission in districts with a merit system

- i) Allows a unified school district with an ADA in excess of 300,000, to authorize payment to members of the personnel commission an amount not to exceed \$100 per meeting, and not to exceed \$500 per month.

Determining "length of service" relative to classified employee layoffs

- j) Provides that "length of service," in school districts with an ADA 300,000 or more, for service commencing or continuing after January 1, 1986, is to be determined by the date of hire.
- 2) Deletes the cap of \$2,000 per month as compensation for each member of the governing board of a school district with an ADA for the prior year exceeding 300,000, who attends all meetings held, and instead authorizes board members' salaries to be set forth by the local city charter law or applicable rules and regulations and as determined by a local compensation review committee. This bill also strikes reference to the city board of education, as no such body exists.
 - 3) Eliminates the requirement that the governing board of a school district with a student population exceeding 400,000 that collects or deducts dues, agency

fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization within 15 working days of issuing the paycheck containing the deduction to the employee.

STAFF COMMENTS

- 1) *Need for this bill.* According to the author, "Existing state law authorizes local educational agencies (LEAs) with an ADA of 400,000 students or more to utilize various statutory provisions that establish the system of governance and funding for public elementary and secondary schools. As the largest school district in California and second largest in the country, these provisions are only applicable to the Los Angeles Unified School District (Los Angeles Unified), given their size and unique circumstances. These provisions are related to authorization to operate single-gender classes under a pilot, the use of school property, terms of employment for school employees, and compensation for governing board members.

"For the last two decades, Los Angeles Unified is experiencing a trend of declining student enrollment. The patterns of this decline are most often attributed to declining birth rates and migration out of Los Angeles County. However, as a result of the COVID-19 health crisis, Los Angeles Unified is now especially seeing a drop in enrollment – experiencing a loss of 27,000 students or 6 percent of its total student population compared to the 2020-21 levels. Due to the overwhelming decline in student enrollment, Los Angeles Unified risks falling under the 400,000 ADA requirement and will be no longer be able to operate under existing laws specifically authorized for LEAs with 400,000 students or more."

- 2) *Applies only to Los Angeles Unified School District.* The Los Angeles Unified School District (LAUSD) is the only school district in the state with an ADA of 300,000 or more. As mentioned in the author's statement, LAUSD's ADA has declines and may soon drop below 400,000; therefore it is necessary to adjust the ADA threshold in certain statutes to maintain LAUSD's use of flexibility provided by those statutes.
- 3) *Governing board member compensation.* The bill deletes the cap of \$2,000 per month as compensation for each member of the governing board of a school district with an ADA for the prior year exceeding 300,000, who attends all meetings held, and instead authorizes board members' salaries to be set forth by the local city charter law or applicable rules and regulations and as determined by a local compensation review committee.

According to the author, this change in how compensation for LAUSD governing board members is necessary to reflect Los Angeles City Charter's Rule 804, which requires the total compensation for members of the board of education of the LAUSD to be set by a compensation committee, provides for how the membership of the committee will be appointed, and requires the committee to consider specified factors when establishing the annual salary and benefits.

Rule 804 also authorizes the LAUSD board of education, on an annual basis in years when the committee is not performing a compensation review, to increase the compensation and other benefits of individual or all board members *beyond the amount established by the compensation committee*, in an amount not to exceed two percent of the applicable total combined amount of compensation and benefits.

According to the author, the LAUSD Board Compensation Review Committee met and issued a resolution in 2017, as authorized by the Los Angeles City Charter, which resulted in an annual salary of \$125,000 for full-time board members. Records show that the prior salary was \$45,637 for full-time board members (those with no outside income), and for part-time board members the annual salary is now capped at \$50,000, a raise from the previous figure of \$26,437.

According to the author, the LAUSD believes the provisions of the Los Angeles City Charter supersede the existing provisions in the Education Code relative to a cap of a monthly salary of \$2,000. This bill has been double-referred to the Senate Judiciary Committee, which such issues will be considered.

- 4) *Transmission of fees to employee organization.* This bill eliminates the requirement that the governing board of a school district with a student population exceeding 400,000 that collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization *within 15 working days* of issuing the paycheck containing the deduction to the employee.

The result is that LAUSD will be required to meet a similar provision that is applicable to all other school districts, which requires the fees to be transmitted *within 15 days* (not working days) of issuing paychecks. According to the author, the LAUSD will be able to meet this reduced timeline.

SUPPORT

Los Angeles Unified School District (sponsor)

OPPOSITION

None received

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SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: SJR 9 **Hearing Date:** March 9, 2022
Author: Limón
Version: September 10, 2021
Urgency: **Fiscal:** No
Consultant: Olgalilia Ramirez

Subject: 20th anniversary of the nonresident tuition exemption: American Families Plan: immigration reform

SUMMARY

This measure recognizes October 12, 2021, as the 20th anniversary of the enactment of the exemption from nonresident tuition at California's public postsecondary universities established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001) for qualified students. It further calls upon the United States Congress to remove barriers to college access for undocumented students through the adoption of comprehensive immigration reform.

BACKGROUND

Existing law:

- 1) Exempts specified California nonresident students who graduated from a California high school (or the equivalent) and either 1) attended a California high school for three years or 2) earned the equivalent of three years of high school credit at a California high school and attended three years at some combination of California elementary or secondary schools is exempt from paying nonresident tuition. It further expands eligibility for tuition exemption to include nonresident students who meet both 1) time and coursework requirements (three years attendance or credit equivalent) and 2) degree or unit requirements at some combination of California elementary, secondary, adult school or community college, as specified. (Education Code (EC) § 68130.5.) Students who meet the requirements to qualify for the exemption from nonresident tuition are commonly referred to as "AB 540 students" after the original legislation AB 540 (Firebaugh, Chapter 814, Statutes of 2001).
- 2) Provides that a student who meets nonresident tuition exemption requirements under EC § 68130.5 or who meets equivalent requirements adopted by the University of California (UC) is eligible to apply for any financial aid program administered by the state to the full extent permitted by federal law. (EC § 69508.5)
- 3) Provides that a student attending the California State University (CSU), the California Community College (CCC), or UC who is exempt from paying nonresident tuition under EC § 68130.5 is eligible to receive a scholarship derived from non-state funds received, for the purpose of scholarships, by the segment at which he or she is a student. (EC § 66021.7)

- 4) Requires the Trustees of the CSU and the Board of Governors of the CCC, and request the UC Regents, to establish procedures and forms that enable AB 540 students to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law. (EC § 66021.6)
- 5) Establishes the California DREAM Loan Program intended to provide low interest loans to AB 540 students who are accessing the Cal Grant program and attending UC and CSU. (EC § 70030-70039)

ANALYSIS

This joint resolution:

- 1) Recognizes October 12, 2021, as the 20th anniversary of the enactment of the exemption from nonresident tuition at California's public postsecondary institutions established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001) for certain long-term California residents, regardless of citizenship status.
- 2) Urges all residents of the state to celebrate the significance of the enactment in enabling more undocumented students to pursue a college education.
- 3) Calls upon the United States Congress to pass the American Families Plan and provide financial resources for undocumented students through the budget reconciliation process, and adopt comprehensive immigration reform.
- 4) Makes various findings and declarations relative to undocumented students, the significance of AB 540 (Firebaugh, Chapter 814, Statutes of 2001) for expanding college access, California's higher education systems commitment to serving all students, and the opportunity for congress to expand federal aid with the passage of federal American Families Plan.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "undocumented students remain one of the most underserved populations in California due to racism, poverty, employment challenges, fear of deportation, and lack of access to federal financial aid. These barriers restrict access to higher education and limit their ability to work, contribute to California's economy, and provide for their families. As a result, many of these students have been forced to give up on their college dreams. This situation has been exacerbated by the COVID-19 pandemic, which has disproportionately impacted low-income students and students of color."

The author further asserts, "Immigrants are the fabric of our community and deserve the opportunity to thrive and succeed. They are aspiring medical professionals, lawmakers, community leaders, engineers, teachers, scientist, and entrepreneurs and are poised to make significant contributions to our state and nation's economic prosperity and growth..." The resolution calls on Congress to pass the American Families Plan to ensure a stable and welcoming future for

undocumented students that will allow them to achieve their higher education goals and become fully participating members of their communities. The author states, "The State of California has a history of supporting undocumented students and this resolution affirms our commitment."

- 2) ***State support for undocumented youth.*** The state has demonstrated a commitment to undocumented students by qualifying them for state aid programs that help make college more attainable. Specifically, state law, established by breakthrough legislation AB 540 and expanded upon by other legislation, allows non-resident students who meet certain qualifications to pay in-state tuition. These students may include undocumented students, students who are US citizens but who are not CA residents, and dependent students whose parents are not CA residents. The California Dream Act, established by SB 131 (Cedillo, chapter 604, statutes of 2010) allows AB 540 students to apply for and receive private scholarships funded through public universities, state-administered financial aid, University grants, community college fee waivers, and Cal Grants. Current law additionally establishes a loan program, known as the Dream loan, for those students attending a participating UC or CSU. Students apply for these awards using the California Dream application. Undocumented students who meet the nonresident tuition exemption may apply and receive state aid but remain ineligible for federal student aid programs like Pell grant. This measure urges all residents of the state to celebrate the significance of historic state policies that enable undocumented students to pursue a college education.
- 3) ***American Families Plan.*** President Biden's budget proposal under the American Families Plan includes a \$1.7 trillion package of new investments in education, childcare, healthcare, and family leave. Among its expansion of social programs, tax credits and services, the plan seeks to increase access to higher education by offering two-years of free community college to all Americans, including DREAMers, provides up to \$1,400 in additional assistance to low-income students by increasing the Pell Grant award, allows DREAMers to access Pell Grants and provide two-years of subsidized tuition in high-demand fields at minority serving institutions. According to information provided by the author's office, major provisions of the American Families Plan were considered as part of the Build Back Better bill that is currently pending in Congress. The House of Representatives passed their own version of Build Back Better last year, which included federal financial aid eligibility for DACA recipients. However, the Senate Parliamentarian has ruled that this provision is outside the scope of budget reconciliation. Senators have also tried to include a pathway to citizenship with Build Back Better but those provisions have also been rejected by the Parliamentarian. Overall, there is a high amount of uncertainty regarding the state of Build Back Better. This measure calls upon Congress to pass the American Families Plan and provide financial resources for undocumented students through the budget reconciliation process and adoption of comprehensive immigration reform.
- 4) ***Related legislation.***

SB 1141 (Limón, 2022) would reduce, for purposes of eligibility for the exemption from paying nonresident tuition, the total years of full-time attendance in certain

California schools, the years of full-time high school coursework in California, and the total years of attendance in California elementary schools and California secondary schools required from 3 or more years to 2 or more years, and would make a conforming change. SB 1141 was referred to, and is, pending hearing in this Committee.

SB 1160 (Durazo, 2022) SB 1160 would make certain nonimmigrant visa holders under the federal Immigration and Nationality Act eligible for the exemption from paying nonresident tuition. SB 1160 was referred to, and is, pending hearing in this Committee.

SUPPORT

California Catholic Conference
California Community Colleges Chancellor's Office

OPPOSITION

None received. >

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