
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 3374 **Hearing Date:** July 29, 2020
Author: Committee on Higher Education
Version: March 16, 2020
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Postsecondary education

SUMMARY

This bill, higher education omnibus clean-up measure, corrects technical errors and oversights, and makes non-controversial changes to various provisions of the Education Code.

BACKGROUND

Existing law:

- 1) Commencing with admissions for the 2020–21 academic year, prohibits a campus of the California State University (CSU) and, the University of California (UC) if adopted by the Regents by appropriate resolution, 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 § 66022.5)
- 2) Classifies any person as a temporary employees who is employed to teach adult or community college classes for not more than 67 percent of the hours per week considered a full-time assignment for regular employees having comparable duties, excluding substitute service. Existing law also authorizes the governing board of a community college district (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. (EC § 87480 et al.)
- 3) Exempts persons serving as full-time or part-time clinical nursing faculty who meet specified requirements from certain limitations. 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 percent

of the hours per week considered a full-time assignment for regular employees having comparable duties. (EC § 87482)

- 4) Requires the Legislative Analyst's Office (LAO) 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. (EC § 88810)
- 5) Under 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 Student Tuition Recovery Fund (STRF) and requires the BPPE 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.

ANALYSIS

This bill, higher education omnibus clean-up measure, corrects technical errors and oversights, and makes non-controversial changes to various provisions of the Education Code. Specifically, it:

- 1) Revises the operative date from 2020-2022, to 2021-2022, academic year for provisions that prohibit CSU and, if adopted as specified, the 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 CCD for up to four semesters or six quarters *within any period of 3 consecutive academic years*, and would also make clarifying and non-substantive changes.
- 3) Deletes the requirement that the 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 STRF.

STAFF COMMENTS

- 1) ***Omnibus bill.*** This bill is the annual higher education omnibus bill, which seeks to provide various and necessary noncontroversial changes to the Education Code.
- 2) ***Rationale for inclusion in the omnibus bill.*** This omnibus measure makes several changes to the Education Code, below is the rationale for these changes:

- a) *Operative Date Change for Admission by Exception Decision.* 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 EC § 66022.5 is consistent with the author's intent, and gives campuses valuable time to comply fully with AB 1383.

- b) *Three-Year Calendar Period for Part-Time Nursing Faculty.* AB 1051 (Smith, Chapter 234, Statutes of 2019), authorized CCDs to employ temporary faculty members serving as full-time clinical nursing faculty at one district for up to four semesters or six quarters indefinitely; requires each district that employs that faculty to report specified information on or before June 30 of each year; and, requires the California Community Colleges Chancellor's Office to report the findings of the districts' 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 CCD under EC § 87482 teaching above the 67 percent 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 percent cap for four semesters within a three-year period, and after the conclusion of that time, another three-year period would begin. The provisions in this bill would establish this three-year reset. The bill additionally makes non-substantive clarifying and clarifying changes in this section.

- c) *BSSOT Grant Final Report Deletion:* On February 5, 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 California Community College system. Thus, several of the objectives and

outcomes associated with the BSSOT program are obsolete in the post-AB 705 era. While the LAO completed their interim report on the BSSOT program, collecting data for a final report is no longer necessary and likely irrelevant given the direction of AB 705. This bill removes the final BSSOT report requirement.

- d) *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 EC § 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. This measure makes those changes.

SUPPORT

None received.

OPPOSITION

None received.

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