

SWACC

Statewide Association of Community Colleges

WELCOME TO THE 2024 SWACC ANNUAL CONFERENCE



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SWACC

Statewide Association of Community Colleges

EVOLVING
WITH CHANGING TIMES:

SOLUTIONS
FOR THE FUTURE

Budget & Legislation Update:
Impact of the Deficit on Legislative Priorities

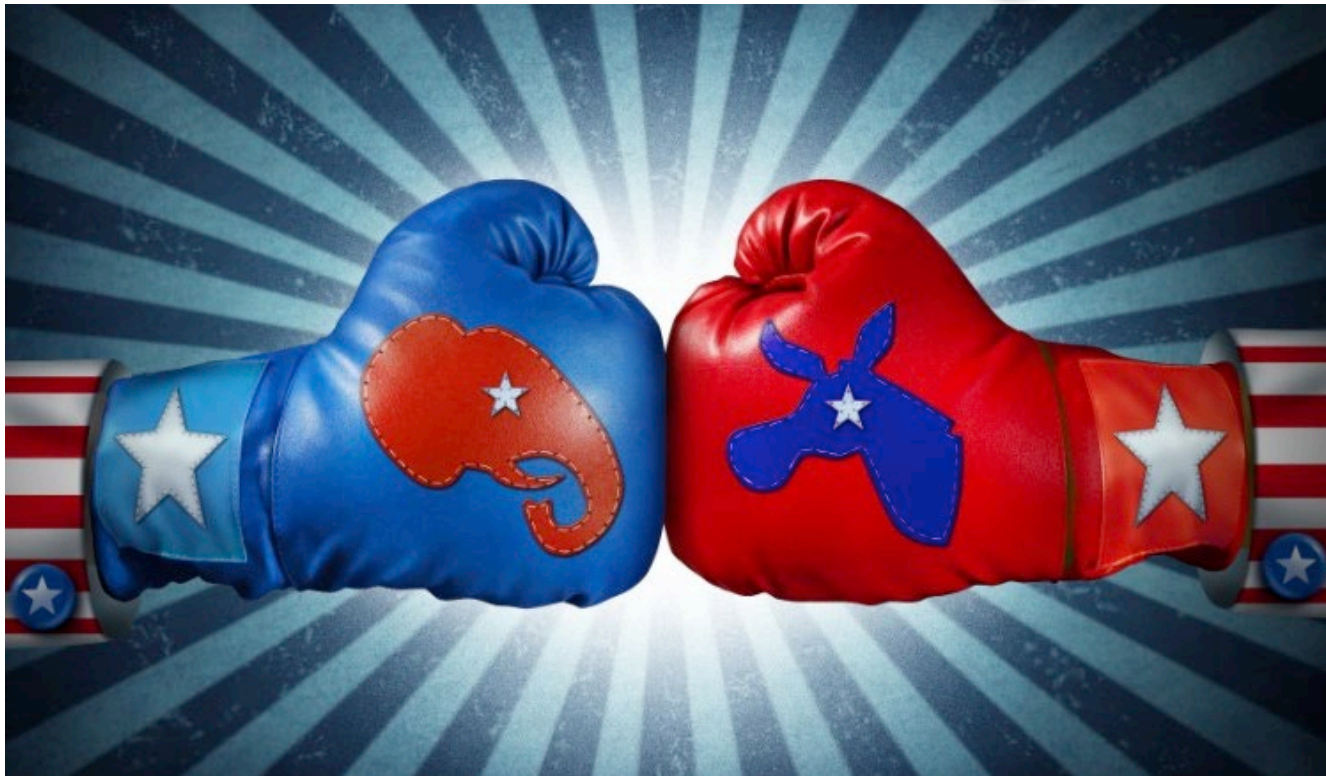


Topics

- Budget
- Leadership
- New Laws for 2024
- California Legislation in 2024
- Federal Regulations

Conflict Inherent in the System

California Conflict



Party Affiliation in Legislature

- **Senate 40 Member Body**

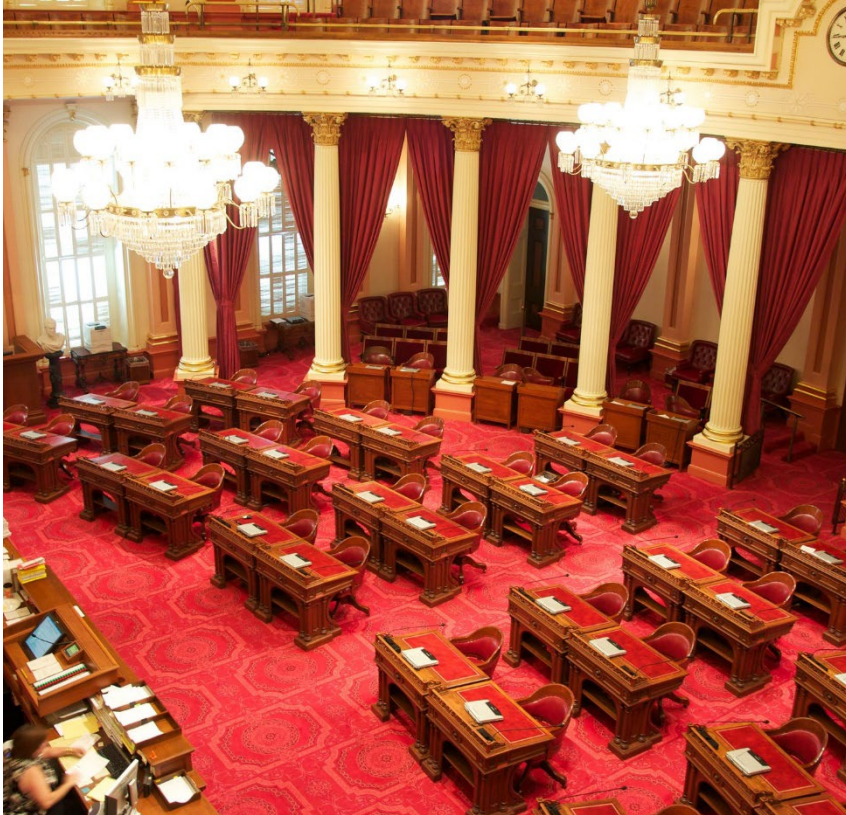
- Democrats: 32 Republicans: 8
- Votes needed: 21 2/3: 27

- **Assembly 80 Member Body**

- Democrats: 62 Republicans: 18
- Votes needed: 41 2/3: 54

-

California Legislative Conflict



Executive Office Vs Legislature



2024-25 Budget

The Governor's Budget addresses \$37.9 billion deficit*

- Reserves—\$13.1 billion.
- Reductions—\$8.5 billion.
- Revenue/Internal Borrowing—\$5.7 billion.
- Fund Shifts—\$3.4 billion.
- Deferrals—\$2.1 billion.
- Delays—\$5.1 billion.

* Legislative Analyst's Office had identified a \$68 billion fiscal issue

K-14 Budget: Proposed Withdrawal from PSSSA

Roughly \$3 billion in 2023-24 and

\$2.7 billion in 2024-25

With a remaining PSSSA balance of more than **\$3.8 billion** at the end of 2024-25

University of California (UC) California State University (CSU)

Compact Deferral for UC—A one-time deferral of \$227.8 million General Fund

Compact Deferral for CSU—A one-time deferral of approximately \$240.2 million General Fund

Reflects a five-percent General Fund resource adjustment pursuant to the Compact

In 2025-26 both segments should plan for both the repayment of this one-time deferral ongoing General Fund to be included within its base budget

CCC Apportionments

- \$69.15 million cost-of-living adjustment (COLA) for Student Centered Funding Formula apportionments, at 0.76%
- Consistent with K-12 COLA
- \$9.3 COLA for some, not all Categoricals at 0.76%
- \$29.6 million ongoing Proposition 98 General Fund for 0.5% enrollment growth



K-14 Rainy Day Fund for CCC



To support Student Centered Funding Formula resource needs



A withdrawal of roughly \$235.9 million in 2023-24



And \$486.2 million in 2024-25

Nursing Program Support



An increase of \$60 million one-time Proposition 98 General Fund to expand nursing programs and Bachelor of Science in Nursing partnerships



To develop, educate, and maintain the next generation of registered nurses through the community college system, subject to future statutory changes



Consistent with 2023-24 budget act which intended to provide \$60 million one-time Proposition 98 General Fund per year for five years, starting in the 2024-25 fiscal year

CCC Affordable Housing



Administration remains committed to a statewide lease revenue bond approach



Developing a proposal for consideration at the May Revision



Proposes using resources included in the 2023 Budget to support those projects

Cal Grant Reform



The 2022 Budget Act reflected provisions regarding the fiscal conditions upon which the Cal Grant Reform Act may be implemented



The Administration remains attentive to the 2022 Budget Act's provisions regarding the fiscal conditions upon which the Cal Grant Reform Act may be implemented



Will continue to work closely with the Legislature, the Commission, and others

School Facilities Bond Facility Program

The Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51), (November 2016)

Which authorized \$9 billion in state General Obligation bonds to support K-12 and community college school facilities construction.

Expects to reach agreement on a bond proposal to be considered in the November 2024 election.

Revolving Loan

Proposed suspending funding for the California Student Housing Revolving Loan Fund Program

Pulling back \$300 million one-time General Fund previously intended to be appropriated for the program for each year from 2024–25 to 2028–29

Reverting \$194 million of \$200 million one-time General Fund that was appropriated in 2023–24, estimated for Program's operational costs.

Middle Class Scholarship



The Budget forgoes a planned one-time Middle Class Scholarship investment of \$289 million.



In 2022-23, approximately 384,000 students received new or renewal Cal Grant awards.

The 2024-25 Budget: Overview of the Governor's Budget

Assumes \$8 Billion in Lower Spending in 2022-23

Notes proposal plans to reduce General Fund spending on school and community college programs in 2022-23 by \$8 billion

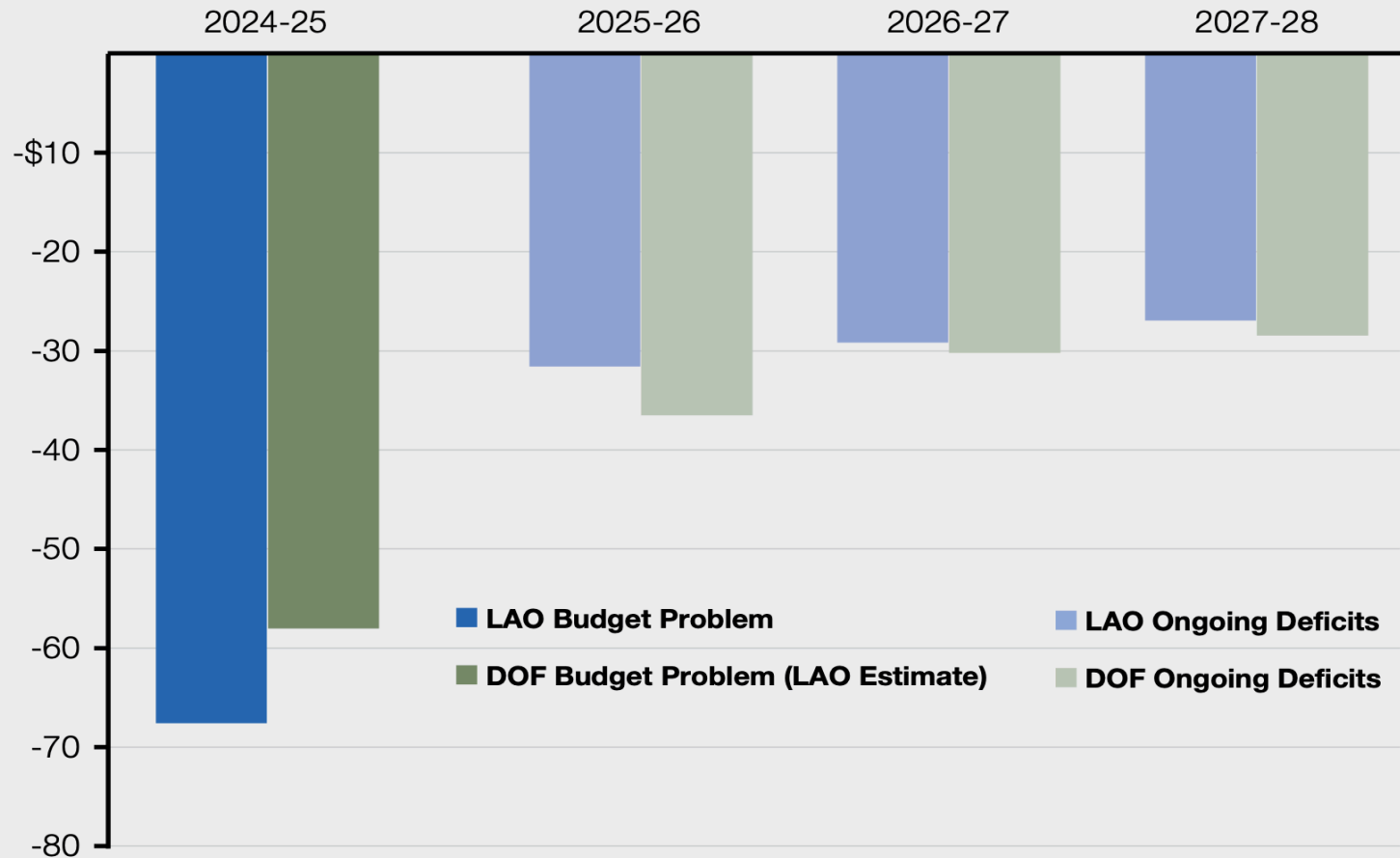
The budget does not specify how the state will implement this reduction

But indicates the state will make the reduction in a way that avoids impacting school and community college budgets.

Plan would make supplemental payments totaling \$8 billion over a five-year period (from 2025-26 through 2029-30).

State Faces Significant Operating Deficits

(In Billions)



DOF = Department of Finance.



League Talking Points (Draft)

Gratitude

- The Governor's Budget prioritizes education
- The Governor's Budget affirms the value of California Community Colleges

Engaging your Delegation

- Enrollment is up
- Community Colleges are essential to workforce development
- Continued investment is critical to ensure continued progress

Flexibility

- California's fiscal future will take time to recover
- Encourage policymakers to support additional flexibility
- Like 50% law, for example

League Talking Points (Draft)

Affordable Housing

- Final language to be completed by May Revision

Cal Grant Reform

- Decision on action to be decided in May Revision

School Facilities Bond

- Funds from last bond are depleted
- Bond negotiations focused on November Ballot
- League supports a K-14 bond like AB 247 (Muratsuchi)

Baccalaureate Degree Program

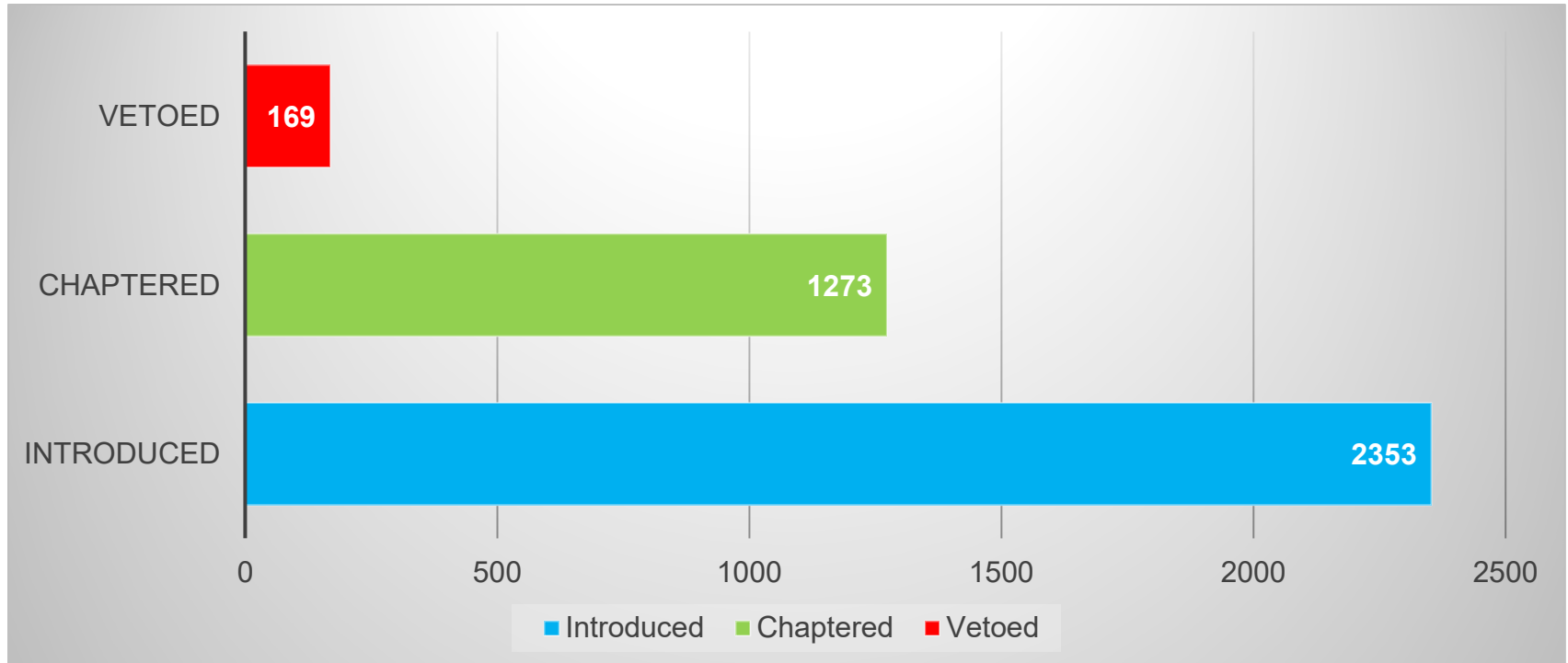
- Our colleges can be pivotal to addressing workforce shortages
- \$60 million for nursing
- SB 895 (Roth) on BSN authority-Ask your delegation to support

Things that Legislature may ask about

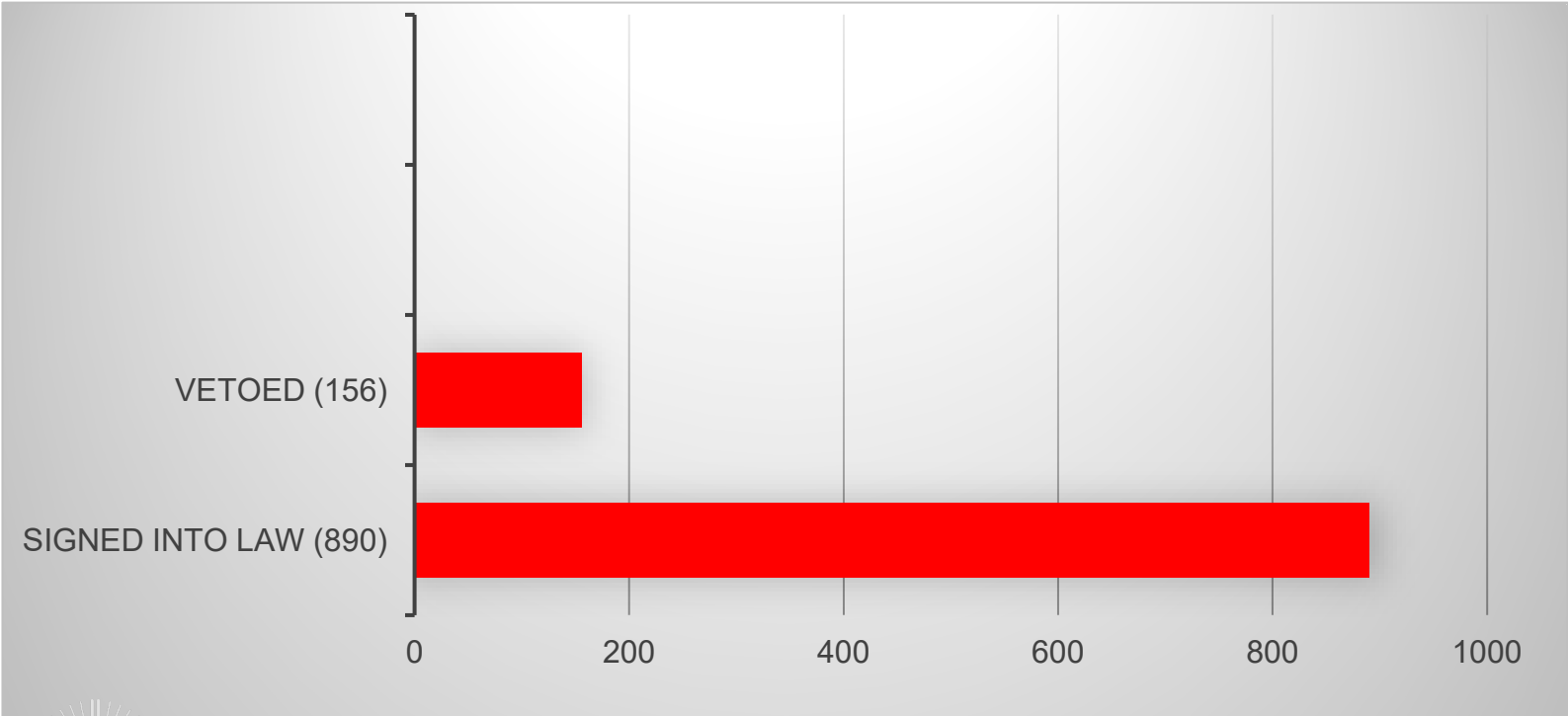
- Middle Class Scholarship
- Revolving Loan
- Affordable Housing Grant
- Cal Grant Reform
- \$8 Billion Prop 98?
- Chaptered Bills cost



2022 Final actions



2023 Final Actions



CHAPTERED LEGISLATION

- The Governor's Budget defers almost all new, discretionary spending decisions to spring, for discussion with the Legislature, based on actual revenues
- Budget proposed defers resource requests associated with recently chaptered legislation to the May Revision
- Spring budget process, the Administration will work with the Legislature to prioritize the budget related to recently chaptered legislation

2022

Veto Message: 72 times-ish

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing.

We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget.

Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

2023 Veto Message: Due to Cost



This year, however, the Legislature sent me bills outside of this budget process that, if all enacted,

would add nearly \$19 billion of unaccounted costs to the budget, of which \$11 billion would be ongoing.



With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.



Legislation

Assembly Higher Education Committee

Assemblymember Mike Fong, Chair	Alhambra
Assemblymember Tri Ta, Vice Chair	Westminster
Assemblymember Joaquin Arambula	Fresno
Assemblymember Tasha Boerner	Encinitas
Assemblymember Phillip Chen	Yorba Linda
Assemblymember Bill Essayli	Corona
Assemblymember Jacqui Irwin	Thousand Oaks
Assemblymember Corey Jackson	Perris
Assemblymember Evan Low	Sunnyvale
Assemblymember Al Muratsuchi	Rolling Hills Estates
Assemblymember Sharon Quirk-Silva	Fullerton

Assembly Budget Subcommittee 3

- David Alvarez
San Diego
- **Megan Dahle**
Bieber
- **Bill Essayli**
Corona
- Mike Fong
Alhambra
- Kevin McCarty
Sacramento
- Al Muratsuchi
Rolling Hills Estates





Senate Leadership Change

Monday, February 5th

Bills vetoed by the Governor

AB 1699 (McCarty) K-14 Classified Employees

AB 299 (Holden) Hazing: Institutional Liability

SB 433 (Cortese) Third Party Disciplinary Hearings

Bills signed by the Governor

AB 91 (Alvarez) Exemption from Non-Resident Tuition: SDICCCA

AB 358 (Addis) Field Act Exemption

AB 1400 (Bryan) Community college student transfers: HBCUs

AB 634 (Ward) CDCP Programs

AB 1291 (McCarty) University of California Associate Degree for Transfer Pilot Program

Bond Measures

AB 247 (Muratsuchi) Education finance: school facilities: Kindergarten Through Community College Public Education Facilities Bond Act of 2024.

Would place a school facilities bond of \$14 billion on the ballot in 2024 for only K-12 and community colleges.

Position: SUPPORT

Location: 2-Year Bill

SB 28 (Glazer) Education finance: school facilities: Public Preschool, K–12, and College Health and Safety Bond Act of 2024.

Would place on the March 2024 ballot a bond of \$15.5 Billion. The CSU, UC, and CCC would each receive \$2 billion.

Position: WATCH

Location: 2-Year Bill

Two-Year Bills

AB 810 (Friedman) Hiring Practices: academic, athletic, and administrative appointments.

Requires an applicant for employment who has reached the final stage of hiring to disclose any previous employment findings of misconduct against them.

- *“Misconduct” means any violation of the policies governing employee conduct at the applicant’s previous place of employment, including, but not limited to, violations of policies prohibiting sexual harassment, sexual assault, or other forms of harassment or discrimination, as defined by the employer.*
- *Applies to the hiring process for an appointment to an academic, or athletic, or administrative position*

Location: Assembly Floor

Two-Year Bills

- **AB 1575 (Irwin) Public postsecondary education: sexual harassment, sexual violence, and discrimination: disciplinary actions: confidential advocates and advisors**
- To be eligible to receive state financial aid, an institution of the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC), must adopt a policy permitting a student to be represented by an advisor if the student receives a notification of a disciplinary action. The advisor may be a confidential advocate.
- Each institution shall employ at least two confidential advocates to assist in its response to discrimination.
- An institution is not required to employ a confidential advocate if it enters into a memorandum of understanding with a local victim advocacy organization to provide confidential advocates on campus.
- **Location:** Assembly Floor

Two-Year Bills

- **AB 1160 (Pacheco) Protecting Students from Creditor Colleges Act**
- Prohibits an institution from placing an enrollment or registration hold on a current or former student's account or refusing to provide a transcript or diploma on the grounds that the student owes an institutional debt. Requires institutions to wait 180 days after alerting students of their debt before engaging with third-party debt collectors. Prohibits institutions from dropping students for unpaid fees/tuition until the “drop for non-payment” deadline.
- **Location:** Assembly Floor

Newly Introduced Legislation

AB 1818 (Jackson) Homeless students: parking

Requires each CCC, CSU, and UC campus to allow overnight parking by a student attending its campus if:

- The student uses the vehicle as housing.
- The student has a valid parking permit issued by the campus.
- The vehicle is parked in or on a campus-owned and controlled parking lot or parking structure.

Prohibits each campus from citing or penalizing a student if:

1. The student has a valid parking permit issued by the campus, and
2. The vehicle is parked in or on a campus-owned and controlled parking lot or parking structure.

Newly Introduced Legislation

SB 895 (Roth) Baccalaureate Degree in Nursing Pilot Program

Authorizes Baccalaureate Degree in Nursing (BSN) programs at 15 community college districts, selected by the Community College Chancellor. The programs must have equitable access throughout the northern, central, and southern parts of the state, and priority must be given to districts in underserved nursing areas. This authority would sunset in January 2031.

New Laws in 2024: Sexual Abuse

- Changes to Statute of Limitations for civil actions
 - <https://www.keenan.com/Resources/Briefings/Briefings-Detail/ab-452-will-eliminate-the-statute-of-limitations-for-childhood-sexual-assault-claims-1>
 - **AB 452**—eliminates SOL for any claim arising on or after 1/1/24
 - **SB 558**—expands definition of childhood sexual assault to include acts involving a child being depicted in an obscene manner, expands discovery date for such cases
- **SB 791**—CCCs to require applicants for academic or administrative position to disclose any final adjudication/administrative decision within last 7 years that applicant committed sexual harassment
- **AB 1138**—post-sexual violence transportation services
 - watch for expansion to CCCs

New Laws in 2024: Occupational Safety

- **SB 428**—Expands the grounds under which employers can seek restraining orders on behalf of their employees to include harassment, unlawful violence, or a credible threat of violence, **beginning 1/1/25**.
 - Districts should update their policies on the legitimate grounds that an employer may seek a civil restraining order, on behalf of an employee, to ensure compliance with this bill's provisions.
- **SB 553**—Workplace violence prevention plans required **effective 7/1/24**. Allows CBA representative to seek TRO on behalf of employees in the workplace **beginning 1/1/25**.
 - Districts should update their CBAs, in compliance with legislative mandates regarding the legitimate filing of a TRO, establishing and maintaining an IIPP and WVPP.

New Laws in 2024: Facilities

- **AB 358**—Removes the requirement for residential community college district student and workforce housing plans to be approved by the DGS.
 - For projects that are currently in the DGS review process, colleges may want to consider resubmitting their proposed plans to their city or county for approval, especially if the project is funded under the Higher Education Student Housing Grant Program. Colleges should continue to monitor the Chancellor’s Office website for developments and implement the recommendations from the Affordable Student Housing Taskforce Report and Recommendations.
- **AB 1151**— Authorizes a CCD to allow the use of any civic center or other district property by the community and organizations without charge. Raises the minimum requirement for liability coverage for external entities using non-educational facilities from \$300,000 to the current practice and policy of \$1 million.
 - Districts should seek to update their policies regarding fair use of facilities in compliance with this bill.
- **SB 515**—Streamlines the process for approving and installing free standing, open-sided shade structures that have been pre-approved by the Division of the State Architect.

New Laws in 2024: Employment Practices

- **AB 472**– Requires a classified employee employed by a school or community college district who is placed on an involuntary leave of absence to receive full compensation for the period of involuntary leave, if the matter is resolved in favor of the employee, regardless of whether a merit system has been adopted.
 - Update CBA
- **AB 1484**– Requires local public employers to include temporary employees in the same bargaining unit as permanent employees and requires the public employer to promptly participate in collective bargaining to establish certain employment conditions for temporary employees if the parties' current memorandum of understanding does not address them.
 - Update CBA

New Laws in 2024: Employee Leaves

- **SB 848**—allows employee to take up to 5 days of leave following a reproductive loss
- **SB 616**—expansion of paid sick leave under the Health Workplaces, Healthy Families Act of 2014
- <https://www.keenan.com/Resources/Briefings/Briefings-Detail/california-enacts-new-time-off-requirements>
- Update written leave policies

New Laws in 2024: Gender Identity

- **AB 760**– Clarifies that CCCs are required to update the records for current students, staff, and faculty to include the affirmed name, gender, or both name and gender identification for both unofficial transcripts and official transcripts
 - College must note that the ability to declare an affirmed name and/or gender applies to unofficial and official transcripts.
 - Colleges should continue updating school-issued email addresses, campus identification cards, and class rosters with the affirmed names and/or gender of students, staff, and faculty.

New Laws in 2024: Opioids

- **AB 461**—Requires CCCs to stock fentanyl test strips in campus health center and provide info to students about use and location of fentanyl test strips
 - CCDs should apply to participate in the Naloxone Distribution Project; once approved districts should appropriately distribute opioid overdose reversal medication.
 - Test strips can be purchased from a variety of sources and are easy to use with no involvement of medical professionals.
 - While this bill does not prescribe how many tests a college must have, colleges must comply by January 1, 2024.
- **AB 1166**—Civil immunity for person who renders emergency treatment at the scene of an actual or suspected opioid overdose by administering an opioid antagonist.

New Laws in 2024: Student Safety

- **AB 70**—Expands the trauma kit requirement to certain pre-2023 buildings
 - Colleges should ensure that trauma kits (typically one bleeding control bandage, one pair of nonlatex protective gloves and a marker, one pair of scissors, and instructional documents) are available at required buildings and that occupants of those building are aware of the location of the trauma kits.

New Laws in 2024: Open Meetings

- **AB 557**—Eliminates the sunset date for allowing local agencies to use teleconferencing without complying with certain teleconferencing requirements during a proclaimed state of emergency. Changes the frequency with which a legislative body must make findings in order to teleconference from every 30 days to every 45.
 - Local governing bodies subject to the Brown Act should become familiarized with the requirements for determining the adoption of abbreviated teleconferencing procedures during a state of emergency and the number of days such procedures may be adopted before a governing body must meet to determine whether such procedures should be continued in light of an ongoing state of emergency.

2024 California Legislation to Watch

- AI– AB 310
- Title IX– AB 942 and potentially other legislation
- Anti-Semitism
- Paid Family Leave– AB 518
- Athletic department hiring practices– AB 810
- Domestic violence and mandated reporters– AB 1028

Federal Regulations: Title VI, Civil Rights Act

- Expansion of protection to include discrimination rooted in antisemitism and Islamophobia
 - 2019 Executive Order: Title VI prohibition on discrimination based on race, color or national origin covers discrimination based on anti-Semitism
 - 2023 – 8 federal agencies clarified that Title IV prohibits certain forms of anti-Semitism, Islamophobia, and related forms of discrimination in federally funded programs and activities
- Campus protests and statements Following October 7, 2023
- Suits filed against University of California, University of Pennsylvania, Harvard, Rutgers, Carnegie Mellon, and others
 - Hostile environment due to campus atmosphere of anti-Semitism

Federal Regulations: Title IX, Education Amendments of 1972

- Obama Administration
 - April 2011 Dear Colleague Letter and April 2014 Q&A
 - May 2016 guidance on transgender students
- Trump Administration
 - Rescinds Obama administration actions
 - 2020 Final Rule
- Biden Administration
 - *Bostock v. Clayton County*
 - 2022 NPRM
 - October 2023 was supposed to see release of Final Rule
 - Release of final rule pushed to March 2024-- <https://www.insidehighered.com/news/quick-takes/2023/12/08/new-title-ix-regulations-pushed-march> and <https://www.atixa.org/blog/it-looks-like-we-wont-have-final-title-ix-regulations-by-october-2023-now-what/>

Thank You!