

## Memorandum to Interested Parties

From: Brian Newman

Date: January 30, 2010

Subject: State Legislative and Regulatory Activity

Please find CCA's report of state legislative and regulatory activity attached. In addition to the items listed, CCA is monitoring state budgets for possible impact to the career college sector as 48 states have addressed or still face shortfalls in their budgets for FY 2010. Of particular interest are state grant programs in Arizona, California, Georgia, New York and Washington.

### *Arizona*

Two grant programs that assist students attending a qualified private postsecondary baccalaureate degree granting institution in the state, including career colleges, are on the chopping block in Governor Janice Brewer's (R) FY 2011 Executive Budget. According to state budget documents, the Postsecondary Education Grant (PEG) program, which provides up to \$2,000 per year in need-based aid, was reduced (\$2.7 million) in FY 2009 from its original FY 2008 appropriation. "This reduction was continued in FY 2010, and an additional reduction of (\$227,700) was enacted in the 5th Special Session. With full funding, the Commission provided grants to 2,400 students in FY 2008. The number of grants provided declined to 1,400 in FY 2009, and the PEG program will serve only 683 students in FY 2010, while 1,700 eligible students remain on the waiting list."

The smaller Private Postsecondary Education Student Financial Assistance Program (PFAP), which is a student-centered need-based grant designed to financially support and encourage Arizona community college graduates to attend a private postsecondary baccalaureate degree granting institution in Arizona, was reduced \$400,000 in FY 2009. This reduction was continued in FY 2010, and an additional reduction of \$75,000 was enacted in the 5th Special Session. According to state documents, PFAP could provide tuition vouchers for up to 360 students with full funding, but only 125 students will be served in FY 2010.

### *California*

For the third year in a row, Governor Arnold Schwarzenegger's (R) budget proposes suspending new Cal Grant Competitive Program awards. This FY 2010-2011 proposal to save \$45.5 million would impact career and community colleges disproportionately as these funds are for students who apply after the March 2 deadline for the entitlement awards and/or graduated from high

school more than a year before applying for a grant. According to published reports, 245,400 qualified applicants vied for just 22,500 competitive Cal Grants in 2009-2010.

### *Georgia*

Georgia Governor Sunny Perdue's (R) proposed budget for FY 2011 is a mixed bag for the career college sector. In total, lottery-funded scholarships and grants are proposed to increase by \$189.6 million from FY 2010 levels with HOPE scholarships to private colleges receiving the most sizeable percentage increase, growing by 84 percent to \$78 million.

Unfortunately, the Governor's budget also proposes the elimination of a scholarship that is not lottery-funded – the Tuition Equalization Grant. This program to encourage Georgia residents to attend eligible private colleges in Georgia used \$29.8 million in state general funds in FY 2010 to provide recipients up to \$200 per quarter or \$300 per semester.

For-profit institutions are considered “eligible postsecondary institutions” if they are regionally accredited and have been in existence in Georgia for at least 10 years.

### *New York*

The 2010-2011 Executive Budget makes significant spending reductions in order to address a \$7.4 billion deficit. Of interest to degree granting institutions in New York State is proposed changes to the New York State Tuition Assistance Program (TAP) which provides need based grants to eligible New York residents to pay tuition at approved schools.

First and foremost, Governor David Paterson's (D) budget proposes to reduce the maximum TAP award for students enrolled in a two-year degree granting program from \$5,000 to \$4,000. This will save New York State nearly \$48 million in the next two fiscal years. Additionally, all TAP awards would be reduced by \$75 saving the state an additional for \$40 million dollars during the same two-year period.

Finally, the budget proposes increasing minimum academic standards for non-remedial students to maintain TAP eligibility. Students would be required to earn at least 15 credits and a 1.8 Grade Point Average (GPA) after two semesters of study to remain eligible. According to the Executive Budget, “this proposal would promote improved academic performance and on-time graduation” and save the state over \$14 million through FY 2011-2012.

### *Washington*

Earlier this month, Governor Christine Gregoire (D) released a 2010 Supplemental Budget with

\$2.6 billion in cuts. The good news is that this request restores \$779 million in services cut from her original December proposal, including \$146.4 million for the State Need Grant. A one-year suspension of the much smaller Washington Award for Excellence (WAVE) program however remains on the table. WAVE awards pay undergraduate educational tuition for two years (six quarters or four semesters) at an accredited public or private college or university, or licensed vocational school. Students are reimbursed up to the amount of the highest tuition charged by a public university in the state. Three WAVE recipients are chosen from each of the state's 49 legislative districts.

It important to note while state budgets reflect the priorities of the particular Governor, they are political documents and subject to substantial revisions as fiscal measures move through the legislative process. As always, CCA will continue to monitor developments across the country.

## I. Legislative Update

### ARIZONA H.B. 2250 - Career Colleges – Governance & State Oversight

**Sponsor:** Representative Kirk Adams (R)

**Summary:** Current version (January 25) allows an educational institution to enter into an agreement to establish an impact project and provide program services to an employer.

Defines "impact project" as a training arrangement that is entered into between an educational institution and an employer to provide program services.

Defines "program services" as:

- (a) New jobs training, including training development costs, for an actual training period of up to twelve months from the date the job is first filled by an employee.
- (b) Adult-based education and job-related instruction.
- (c) Vocational and skill-assessment services and testing.
- (d) Training equipment and administrative expenses of educational institutions for new jobs training programs.
- (e) Materials and supplies.
- (f) Subcontracted services with educational institutions or federal, state or local agencies.
- (g) Contracted or professional service.
- (h) Direct investments in educational and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure.

Introduced version: <http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/2r/bills/hb2250p.htm>

January 25 amendments: <http://www.azleg.gov/FormatDocument.asp?inDoc=%2Flegtext%2F49leg%2F2r%-2Fadopted%2Fh%2E2250%2Dwm%2Edoc%2Ehtm>

**Status:** Introduced and referred to House Ways and Means Committee January 14, 2010. Hearing held January 25. Reported as amended January 25. Rereferred to House Rules Committee January 25. Reported out of House Rules Committee as "Constitutional and in Proper Form" January 26.

**Outlook:** This measure has been reported out of the House Rules Committee and may now be considered on the House floor. The January 25 amendments addressed withholding tax revenues. A source in the committee stated that this measure passed the House Ways and Means Committee 6-2. This is the Republican-controlled House's proposed the "Arizona Economic and Job Recovery bill," which is an economic package including numerous tax cuts. This measure has strong caucus support in both chambers which is important for moving an issue through the legislative process. The sponsor is a member of the majority party.

### CALIFORNIA A.B. 1374 - Career Colleges – Governance & State Oversight

**Sponsor:** Assemblymember Julia Brownley (D)

**Summary:** Current version (January 13) mandates that the minimum requirements for the three-year preliminary designated subjects adult education teaching credential shall be all of the following:

- a) For nonacademic subjects:
  - (1) Three years of adequate, successful, and recent experience in, or a combination of experience and education in, the nonacademic subject to be named on the credential.
  - (2) Possession of a high school diploma or the passage of an equivalency examination as designated by the commission.

(b) For academic subjects:

(1) A baccalaureate or higher degree from a regionally accredited institution of postsecondary education that includes a minimum of 20 semester units, or the equivalent quarter units, of coursework in the subject to be named on the credential.

(2) Passage of the state basic skills requirement.

January 4 version: [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_1351-1400/ab\\_1374\\_bill\\_20100104\\_amended\\_asm\\_v98.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1351-1400/ab_1374_bill_20100104_amended_asm_v98.html)

January 13 version: [http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_1351-1400/ab\\_1374\\_bill\\_20100115\\_amended\\_asm\\_v97.html](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1351-1400/ab_1374_bill_20100115_amended_asm_v97.html)

**Status:** Introduced February 27, 2009. Referred to Assembly Education Committee March 31. Amended January 4, 2010. Hearing held January 13. Reported as amended January 13. Passed Assembly January 21.

**Outlook:** This measure passed the Assembly unanimously. A source in the committee stated that this measure passed the Assembly Education Committee unanimously. The Commission on Teacher Credentialing is in support of this bill. The January 13 amendments fixed a typographical error. This measure was amended January 4 to become relevant to your issue scope. The sponsor is a member of the majority party.

#### **COLORADO S.B. 64 - Career Colleges – State Financial Aid**

**Sponsor:** Senator Bob Bacon (D)

**Summary:** Allows an institution of higher education to apply for stipends from the college opportunity fund on behalf of an admitted student using the information in the student's admission application if the student agrees.

[http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/6BCEBA685946CE00872576A8007A5A2F?Open&file=064\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/6BCEBA685946CE00872576A8007A5A2F?Open&file=064_01.pdf)

**Status:** Introduced and referred to Senate Education Committee January 13, 2010. Hearing scheduled February 10.

**Outlook:** A source in the committee stated that this measure will be voted on at the February 10 hearing. Public testimony will be accepted at the hearing. A source in the committee stated that this measure must be reported from committee by February 18, or the measure may not be considered again in the 2010 session. The sponsor is a member of the majority party and is Chair of the committee of referral. This measure has not garnered cosponsors. Cosponsorship is seen as vital to moving legislation through the Colorado Legislature.

#### **INDIANA H.B. 1276 - Career Colleges –Public Safety & Health**

**Sponsor:** Representative Sandy Blanton (D)

**Summary:** Current version (January 26) requires each postsecondary educational institution to adopt policies regarding student notification of dangerous situations on and off campus.

Introduced version: <http://www.in.gov/legislative/bills/2010/IN/IN1276.1.html>

January 26 amendments: <http://www.in.gov/legislative/bills/2010/HCRF/CR127601.001.html>

**Status:** Introduced and referred to House Judiciary Committee January 13, 2010. Hearing held January 25. Reported as amended January 26.

**Outlook:** This measure passed the House Judiciary Committee 8-2. The January 26 amendments addressed testing for HIV. This measure must pass the chamber of origin before February 3 or the measure may not be considered again in the 2010 session. The sponsor is a member of the majority party. This measure has not garnered bipartisan cosponsors. Bipartisan cosponsorship is seen as crucial in the highly partisan Indiana Legislature.

#### **IOWA H.S.B. 514 - Healthcare Facility Background Checks**

**Sponsor:** IA Department of Inspections and Appeals

**Summary:** Requires criminal history and abuse registry checks for certified nurse aide training program students.

<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&:Service=Billbook&:menu=false&:amp:ga=83&:hbill=HSB514>

**Status:** Introduced and referred to House Human Resources Committee January 12, 2010. Hearing scheduled February 2.

**Outlook:** A source in the committee stated that the February 2 hearing is for informational purposes only and a vote will not be taken. This H.S.B. has been requested by the Department of Inspections and Appeals and may now be considered in a study committee. If the study committee decides to formally introduce this measure, it will receive a new number and sponsor.

#### **IOWA H.S.B. 561 - Career Colleges – State Financial Aid**

**Sponsor:** IA Department of Education

**Summary:** Permits a person who was receiving an Iowa tuition grant, an Iowa grant, or national guard educational assistance and who abandoned postsecondary educational studies for not less than four consecutive years, to regain eligibility for the full extent of the Iowa tuition grant, Iowa grant, or national guard educational assistance, whether or not the person received Iowa tuition grant, Iowa grant, or national guard educational assistance moneys prior to the person's minimum four-year absence from postsecondary education studies.

<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&:Service=Billbook&:menu=false&:amp:ga=83&:hbill=HSB561>

**Status:** Introduced and referred to House Education Committee January 14, 2010. Hearing held January 21. Hearing rescheduled January 27.

**Outlook:** The hearing will be open to the public. Testimony will be taken at the chair's discretion, but a vote is unlikely. Committees are not required to act on all measures referred to them. This bill is a study bill. The committee will study the measures within this bill and should it be introduced formally, it will receive a new number and committee designation. Measures that started as study bills are more likely to pass through the legislative process than bills that did not.

#### **IOWA S.S.B. 3052 - Healthcare Facility Background Checks**

**Sponsor:** IA Department of Inspections and Appeals

**Summary:** Requires criminal history and abuse registry checks for certified nurse aide training program students.

<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&mp:ga=83&hbill=SSB3052>

**Status:** Introduced and referred to Senate Human Resources Committee January 13, 2010. Hearing held January 27.

**Outlook:** A source in the committee stated that the January 27 hearing was an informational hearing only and this bill was not voted on at the hearing. The source stated that an executive hearing will be held at a later date and the bill will be voted on then. This S.S.B. has been requested by the Iowa Department of Inspections and Appeals and may now be considered in a study committee. If the study committee decides to formally introduce this measure, it will receive a new number and sponsor.

### **KANSAS H.B. 2228 - Career Colleges – State Financial Aid**

**Sponsor:** Representative Deena Horst (R)

**Summary:** Amends qualifying schools for the Kansas Comprehensive Grant Program to include private postsecondary institutions of higher education which is accredited by the North Central Association of Colleges.

<http://www.kslegislature.org/bills/2010/2228.pdf>

**Status:** Introduced February 3, 2009. Referred to Higher Education February 4. Hearing held February 11. Carried over June 4. Withdrawn from House Higher Education Committee and referred to House Education Committee January 19, 2010.

**Outlook:** This measure has been referred to the House Education Committee, of which the bill sponsor is the vice-chair.

This measure was heard, but not acted upon by the committee at the February 11 hearing.

The sponsor is a member of the majority party in the House. She has not indicated that educational issues will be a priority issue for her this session.

**Effective Date:** upon passage

### **KANSAS S.B. 404 - Career Colleges – State Financial Aid**

**Sponsor:** KS Senate Ways and Means Committee

**Summary:** Defines institution as a postsecondary educational institution or a private postsecondary educational institution located within the state of Kansas. Establishes an early high school graduation scholarship program, eligible recipients by an award not to exceed \$1,000 per semester or its equivalent. Allows scholarship funds to be used to pay the cost of fees and tuition for attendance at an institution. Provides that If a student is not enrolled on a full-time basis at an institution, the student shall receive a proportionate amount of the scholarship allowed under this subsection based upon the number of hours enrolled in an academic period, and computed as a fraction of the total number of credit hours required for full-time enrollment. Allows a student not enrolled on a full-time basis to be awarded a scholarship for not more than four semesters or the equivalent.

<http://www.kslegislature.org/bills/2010/404.pdf>

**Status:** Introduced and referred to the Senate Ways and Means Committee January 20, 2010. Public hearing held January 25.

**Outlook:** This measure was heard, but not acted upon, at the January 25 hearing. Bills can only be voted out of committee through an executive session, which occurs at the discretion of the committee Chair Senator Jay Elmer (R).

This measure is sponsored by the Senate Ways and Means Committee which is also the committee of referral, chaired by Senator Jay Elmer (R). Typically bills sponsored by a committee have a base of support which can help to advance legislation. Republicans hold a strong majority in both chambers making bipartisan co-sponsorship unnecessary for a bill's ultimate passage.

### **KENTUCKY H.B. 160 - Career Colleges – Transfer of Academic Credit**

**Sponsor:** Representative Carl Rollins (D)

**Summary:** Current version (January 12) clarifies eligible students as first-time students entering a public college or university in the 2012-2013 academic year. Mandates that the Council on Postsecondary Education must encourage private colleges and universities to collaborate with public educational institutions in developing programs and to expedite the transfer of students and credits between institutions.

Current version (January 12):

<http://www.lrc.ky.gov/record/10RS/HB160/HCS1.doc>

Introduced version:

<http://www.lrc.ky.gov/record/10RS/HB160.htm>

**Status:** Introduced and referred to House Education Committee January 5, 2010. Public hearing held, amended and passed committee January 12. Passed House January 21. Introduced in Senate January 22. Referred to the Senate Education Committee January 25.

**Outlook:** This measure was referred to the Senate Education committee, which is chaired Senator Ken Winters (R).

This measure passed the House chamber, with the committee amendments, on a 97-0 vote. It will now be sent to the Senate for further consideration. This measure was reported favorably from the committee with an adopted amendment. The amendment clarifies that the credit hour limit for degree programs applies only to public colleges and universities.

Bipartisan support is necessary for bill passage with Democrats holding a considerable margin in the House and Republicans holding a slight majority in the Senate.

This measure was prefiled as B.R. 299.

### **KENTUCKY H.B. 180 - Allied Health Credentialing Issues , Career Colleges – Governance & State Oversight , Career Colleges – Governance & State Oversight (College Curriculum)**

**Sponsor:** Representative Ruth Ann Palumbo (D)

**Summary:** Requires the Kentucky Board of Licensure for Massage Therapy to create standards of educational program curriculum and instructor qualifications and provide for injunctive relief. Requires instructors to have specific education and experience. Requires entities offering instruction in massage

therapy to maintain a certificate of good standing.

<http://www.lrc.state.ky.us/record/10RS/HB180/bill.doc>

**Status:** Introduced January 5, 2010. Referred to the House Licensing and Occupations Committee January 6. Public hearing scheduled January 27.

**Outlook:** Public testimony will be accepted at the discretion of the chair. The committee clerk could not indicate the likelihood of the measure's passage.

The bill sponsor is a member of the majority party and sits on the committee of referral. The bill has also garnered one co-sponsor. Bipartisan support is seen as essential for a bill's passage in the partisan Kentucky Legislature.

This measure was prefiled as B.R. 325.

### **KENTUCKYS.B. 67 - Career Colleges – State Financial Aid**

**Sponsor:** Senator Ken Winters (R)

**Summary:** Creates an early graduation scholarship fund administered by the Kentucky Higher Education Assistance Authority that can be used by a student who graduates early to attend a Kentucky four year institution that is accredited by the Southern Association of Colleges and Schools. Provides that the Early Graduation Scholarship Certificate shall be used for tuition and shall be equal to the average state portion of per pupil-funding. Requires each postsecondary education institution to request reimbursement from the Kentucky Higher Education Assistance Authority for certificates honored.

<http://www.lrc.ky.gov/record/10RS/SB67/bill.doc>

**Status:** Introduced January 6, 2010. Referred to Senate Education Committee January 7. Public hearing scheduled January 28

**Outlook:** Public testimony will be accepted at the discretion of the chair, who is also the bill sponsor.

The bill sponsor is a member of the majority party in the Senate. There are currently no co-sponsors. Bipartisan support is critical for a bill's passage, as the Democrats hold a considerable margin in the House, and the Republicans hold a slight majority in the Senate.

### **MAINEL.D. 1296 - Career Colleges – (College Accreditation)**

**Sponsor:** Representative Thomas Watson (D)

**Summary:** Amends the definition of 'accredited Maine junior college, college or university' to include that the institution must have regional accreditation.

[http://www.mainelegislature.org/legis/bills/bills\\_124th/billtexts/HP089901.asp](http://www.mainelegislature.org/legis/bills/bills_124th/billtexts/HP089901.asp)

**Status:** Introduced March 30, 2009. Referred to Joint Taxation Committee April 2. Tabled in committee May 4. Carryover approved June 2. Work session held November 10. Rereferred to Joint Education and Cultural Affairs Committee November 10. Work session held January 21, 2010.

**Outlook:** This measure was given an extension to report out.

According to committee staff, this measure was tabled during the January 21 work session. While a bill is

tabled there can be no legislative action taken.

The Joint Taxation Committee has rereferred this bill to the Joint Education and Cultural Affairs Committee as the bill's subject matter would fall under the Joint Education and Cultural Affairs Committee's scope. The sponsor does not sit on the Joint Education and Cultural Affairs Committee.

Committees in Maine are joint, which means members from both the House and Senate serve on the same committee. Bills that are passed by a committee still require the approval of both legislative chambers to be sent to the Governor.

**CCA Note:** We have received credible information that the regional accreditation requirement will be stricken before the bill moves out of committee.

### **MAINE L.D. 1704 - Allied Health Credentialing Issues**

**Sponsor:** Representative Meredith Strang Burgess (R)

**Summary:** Transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from the Department of Education to the Department of Health and Human Services.

[http://www.mainelegislature.org/legis/bills/bills\\_124th/billpdfs/HP120501.pdf](http://www.mainelegislature.org/legis/bills/bills_124th/billpdfs/HP120501.pdf)

**Status:** Prefiled in House January 4, 2010. Referred to Joint Education and Cultural Affairs Committee January 6. Hearing held January 26. Work session scheduled January 29.

**Outlook:** Public testimony will not be accepted during the work session. Rather, the committee will use the work session to discuss earlier testimony and consider further action on the bill. No action was taken at the last hearing.

Three of the measure's cosponsors sit on the committee of referral, including the House and Senate chairs to the committee. The bill sponsor is a member of the minority party. The measure has also garnered nine bipartisan cosponsors, including the Speaker of the House, increasing the likelihood of consideration. Committees in the state are joint, which means members from both the House and Senate serve on the same committee. Bills that are passed by a committee still require the approval of both legislative chambers in order to be sent to the Governor.

### **NEBRASKA L.B. 745 - Career Colleges – State Financial Aid**

**Sponsor:** Senator Bill Avery (I)

**Summary:** Amends the definition of eligible postsecondary educational institution to mean a public or private nonprofit postsecondary educational institution:

- 1) Located in Nebraska;
- 2) Primarily engaged in the instruction of students;
- 3) Satisfying the provisions of Nebraska law relating to the approval and licensure of schools, colleges, and universities and maintaining accreditation by an accrediting organization recognized by the United States Department of Education;
- 4) Offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent; and
- 5) Which has adopted, and has available for inspection, award refund and repayment policies.

<http://www.nebraskalegislature.gov/FloorDocs/Current/PDF/Intro/LB745.pdf>

**Status:** Introduced January 6, 2010. Referred to the Education Committee January 7. Public hearing scheduled February 1.

**Outlook:** Testimony will be permitted during the scheduled hearing at the discretion of the chair, Senator Greg Adams (I).

According to a source in the bill sponsor's office the intent of the measure was to exclude for-profit postsecondary institutions from being eligible for the Nebraska Scholarship Act funds. The bill sponsor sits on the committee of referral. The Nebraska Legislature is nonpartisan unicameral. Each senator may select one priority bill, each committee may select two priority bills, and the Speaker may select 25. The deadline for bills to be designated as priority is February 19.

### **NEBRASKA L.B. 956 - Career Colleges – State Financial Aid**

**Sponsor:** Senator Greg Adams (I)

**Summary:** Renames the Nebraska Scholarship Fund to the Nebraska Opportunity Grant Fund. Provides that an eligible student must have applied for federal financial aid through the Free Application for Federal Financial Aid for the applicable award year and must have an expected family contribution for the applicable award year of no more than the qualifying maximum which will be \$6,000 for award year 2010-11 and will be the prior year's qualifying maximum increased by 2.5% for each subsequent award year.

<http://nebraskalegislature.gov/FloorDocs/Current/PDF/Intro/LB956.pdf>

**Status:** Introduced January 14, 2010. Referred to the Education Committee January 20. Public hearing scheduled February 1.

**Outlook:** Public testimony is allowed at the scheduled hearing. No vote is expected at the hearing, as bills can only be voted out of committee through an executive session, which occurs at the discretion of the committee chair, Senator Greg Adams (I).

The Nebraska Legislature is nonpartisan unicameral. Each senator may select one priority bill, each committee may select two priority bills, and the Speaker may select 25. The deadline for bills to be designated as priority bills is February 19. Senators may select bills as priority bills that are not their own bills.

### **NEW HAMPSHIRE H.B. 1400 - Career Colleges –Public Safety & Health**

**Sponsor:** Representative Susan Emerson (R)

**Summary:** Requires all colleges and universities to report crimes to the local law enforcement agency.

<http://www.gencourt.state.nh.us/legislation/2010/HB1400.html>

**Status:** Prefiled and referred to Education Committee December 14, 2009. Hearing held January 14, 2010. Executive Session cancelled January 20. Work session held January 28. Work session scheduled February 9.

**Outlook:** The committee discussed the bill at the January 28 work session, but no further action was taken. The committee has scheduled another work session on the bill which is open to the public. Public testimony will be accepted at the discretion of the chair. A vote on the bill will not occur at the work session, but will be scheduled at a later date by the committee.

The committee did not vote on the bill at the January 14 hearing. The bill sponsor, Representative Susan Emerson (R), is a member of the minority party and does not sit on the committee of referral, the Education Committee.

**NEW YORK A.B. 9707 - Career Colleges – Governance & State Oversight , Career Colleges – State Financial Aid**

**Sponsor:** NY Assembly Budget Bill

**Summary:** Increases academic standards for non-remedial Tuition Assistance Program (TAP) recipients to a minimum of 15 credits and a minimum 1.8 GPA.

Amends the eligibility requirements for TAP as it relates to students in default on certain student loans.

Eliminates TAP eligibility for graduate students.

Reduces TAP awards for all recipients by \$75.00.

<http://assembly.state.ny.us/leg/?bn=A09707&sh=t>

**Status:** Introduced and referred to Assembly Ways and Means Committee January 20, 2010. Informational hearing with the Joint Legislative Budget Committee held January 27. Informational hearing scheduled February 2.

**Outlook:** A source in the committee stated that the February 2 hearing is an informational hearing only and this bill will not be voted on at the hearing. The source stated that an executive hearing will be held at a later date and the bill will be voted on then. This measure is the Education, Labor and Family Assistance Budget Bill, one of several budget bills proposed by Governor David Paterson (D) as part of the 2010-2011 executive budget. The state is currently facing a \$7.4 billion deficit this year and the Governor's office has projected that the state's income will not return to the levels seen before the financial crisis until 2013.

In response to the Governor's proposed budget, Senate and Assembly leadership expressed skepticism. Senate President Malcolm Smith (D) in response to the proposed increase in spending stated, "I don't think we really should be increasing it at all." Senate Majority Leader Senator John L. Sampson (D) and the Assembly Speaker, Assemblymember Sheldon Silver (D), said they needed more time to review the Governor's proposals.

**NEW YORK S.B. 6607 - Career Colleges – Governance & State Oversight , Career Colleges – State Financial Aid**

**Sponsor:** NY Senate Budget Bill

**Summary:** Increases academic standards for non-remedial Tuition Assistance Program (TAP) recipients to a minimum of 15 credits and a minimum 1.8 GPA.

Amends the eligibility requirements for TAP as it relates to students in default on certain student loans.

Eliminates TAP eligibility for graduate students.

Reduces TAP awards for all recipients by \$75.00.

<http://open.nysenate.gov/openleg/bill/S6607>

**Status:** Introduced and referred to the Senate Finance Committee January 19, 2010. Hearing held January 27. Hearing scheduled February 2 and February 3.

**Outlook:** The hearings held January 19 and January 27 have been for informational purposes. No executive action has been taken on the bill. According to legislative sources, there will be many hearings regarding the budget bills.

A source stated that an executive hearing will be held at a later date and the bill will be voted on then. This measure is the Education, Labor and Family Assistance Budget Bill, one of several budget bills proposed by Governor David Paterson (D) as part of the 2010-2011 executive budget. The state is currently facing a \$7.4 billion deficit this year and the Governor's office has projected that the state's income will not return to the levels seen before the financial crisis until 2013.

In response to the Governor's proposed budget, Senate and Assembly leadership expressed skepticism. Senate President Malcolm Smith (D) in response to the proposed increase in spending stated, "I don't think we really should be increasing it at all." Senate Majority Leader Senator John L. Sampson (D) and the Assembly Speaker, Assemblymember Sheldon Silver (D), said they needed more time to review the Governor's proposals.

**Companion Bill:** 2010 A.B. 9707

#### **WASHINGTON H.B. 2936 - Career Colleges – State Financial Aid**

**Sponsor:** Representative Glenn Anderson (R)

**Summary:** Reduces a person's eligibility to receive a state need grant from five to two years, or clock hour equivalent of two years, of a student's program. Authorizes a person who was awarded a state need grant before the 2010-2011 school year a maximum five year eligibility and includes a student who is 29 or younger and continuously enrolled in an institution of higher education to be eligible.

States at least 50% of the funds must be reserved for half-time or part-time students.

<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Bills/2936.pdf>

**Status:** Introduced and referred to the House Committee on Higher Education January 19, 2010. Hearing scheduled January 27.

**Outlook:** The hearing is open to the public but testimony is at the discretion of the Chair. According to legislative sources, every bill that the sponsor, Representative Anderson (R), sponsors is considered a priority bill.

The sponsor of the bill is a member of the minority party, but is the ranking minority member on the committee of referral. The bill does not have companion legislation or any cosponsors at this time.

#### **WASHINGTON S.B. 6357 - Career Colleges – Governance & State Oversight , Career Colleges – Transfer of Academic Credit**

**Sponsor:** Senator Derek Kilmer (D)

**Summary:** Requires the state board for community and technical colleges in consultation with the higher education coordination board and other representatives from the higher education community to develop policies for awarding academic credit for work and military experience, military and law enforcement

training, career college training, internships and externships and apprenticeships.

<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate%20Bills/6357.pdf>

The January 27 amendments are not available at this time.

**Status:** Introduced and referred to Higher Education and Workforce Development Committee January 13, 2010. Hearing held January 19. Executive session held January 27.

**Outlook:** During the executive session, the bill was passed out of committee by a voice vote with amendments. The bill was heard at the hearing January 19, but no executive action was taken. The bill has been scheduled for executive session in the Senate Committee on Higher Education & Workforce Development. Public testimony will not be heard.

The sponsor is a member of the majority party and serves as chair of the committee of referral. There are three additional cosponsors from both parties. Democrats hold a super majority in both chambers and also hold the Governor's office.

## **WASHINGTON S.B. 6600 - Workforce Investment Act Requirements**

**Sponsor:** Senator James Hargrove (D)

**Summary:** Provides that workforce training grants are available to eligible colleges to serve eligible individuals or those who have exhausted unemployment compensation benefits and are enrolled in a high demand training program. The State Board for Community and Technical Colleges shall identify high demand training programs. Authorizes the Board to also grant funds to eligible colleges through competitive process with preference given to proposals emphasizing health care, aerospace, forestry industry and energy efficiency. Also reenacts provisions of how contributions from employers are calculated.

<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate%20Bills/6600.pdf>

**Status:** Introduced and referred to Senate Labor, Commerce & Consumer Protection Committee January 19, 2010.

**Outlook:** The bill sponsor is a member of the majority party and does not sit on the committee of referral. The bill has several cosponsors. Majority party cosponsorship is important for bill passage in the partisan Washington Legislature.

## **II. Regulatory Update**

### **AL Commission on Higher Education proposed rule: Amendments to the Rule Concerning the Review and Approval or Disapproval of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions.**

**Issue:** Career Colleges

**First Reported:** 01/08/2010

**Date Updated:** 01/15/2010

**Contact:** Nancy Lacey (334) 242-2109

**Citation:** Ala. Admin. Code r. 300-2-1-.02

**Upcoming Action:** Comments Due 02/04/10

**Status:** Comments

**Regulation ID:** AL14760

**Rule Summary:**

The Commission has proposed amendments to the rule concerning the review and approval or disapproval of proposed postsecondary course offerings in Alabama by non-Alabama institutions. The amendments will provide for the implementation of an external review requirement for non-accredited institutions seeking to offer degree programs in Alabama.

Proposed Rule:

[http://www.stateside.com/Attachments/14811\\_AL14760 - Proposed Rule.pdf](http://www.stateside.com/Attachments/14811_AL14760_-_Proposed_Rule.pdf)

Notice of Proposed Rule:

<http://www.alabamaadministrativecode.state.al.us/UpdatedMonthly/AAM-DEC-09/300-2-1-.02.pdf>

**Rule Development:**

The Commission will accept comments until 02/04/10.

**FL Department of Education, Board of Education proposed rule: New Rule Concerning Dual Enrollment/Early College Programs.**

**Issue:** Career Colleges

**Subissue:** Faculty Related Issues

**First Reported:** 01/15/2010

**Date Updated:** 01/26/2010

**Contact:** Julie Alexander (850) 245-9523

**Citation:** FAC, Rule 6A-14.064

**Upcoming Action:** Public Hearing 03/16/10; Comments Due 03/16/10

**Status:** Hearing/Comments

**Regulation ID:** FL14901

**Rule Summary:**

The Board has proposed a new rule concerning dual enrollment programs. The purpose of the rule is to implement Section 1007.271, Florida Statutes, relating to dual enrollment programs and to delineate the responsibilities of the Department, postsecondary institutions, and school districts as required by legislation. The rule will codify standards for student eligibility, faculty, curriculum, environment, accountability and assessment, and strategic planning.

The rule states the following: All full-time or adjunct faculty teaching dual enrollment courses must meet Southern Association of Colleges and Schools Commission on Colleges' Principles of Accreditation: Foundations for Quality Enhancement, 2008 Edition, section 3.7.1, for postsecondary instructors in the course and discipline, which is hereby incorporated by reference. The document may be accessed at <http://www.sacscoc.org/pdf/2008PrinciplesofAccreditation.pdf>. These criteria apply to all faculty teaching postsecondary courses regardless of the physical location of the course being taught. The postsecondary institution awarding credit shall ensure faculty teaching dual enrollment courses meet these qualifications.

Notice of Continuation:

[https://www.flrules.org/gateway/notice\\_Files.asp?ID=8164022](https://www.flrules.org/gateway/notice_Files.asp?ID=8164022)

Notice of Change:

[https://www.flrules.org/gateway/notice\\_Files.asp?ID=8134728](https://www.flrules.org/gateway/notice_Files.asp?ID=8134728)

Notice of Proposed Rule:

[https://www.flrules.org/gateway/notice\\_Files.asp?ID=8043839](https://www.flrules.org/gateway/notice_Files.asp?ID=8043839)

Notice of Rule Development:

[https://www.flrules.org/gateway/notice\\_Files.asp?ID=7828499](https://www.flrules.org/gateway/notice_Files.asp?ID=7828499)

### **Rule Development:**

The Board revised the proposed rule, and it published a notice of change. The Board will hold a public hearing 03/16/10. Comments are due 03/16/10. The deadline for the Board to file the rule for adoption is 04/30/10. The rule will become effective 20 days after it is filed for adoption.

### **MI Bureau of Health Professions, Board of Massage Therapy departmental discussion: Establishing Requirements for the Licensure and Relicensure of Massage Therapists.**

**Issue:** Professional Board Requirements

**Subissue:** Allied Health Education Requirements

**First Reported:** 01/26/2010

**Date Updated:** 01/26/2010

**Contact:** Bonnie Curtis (517) 335-0918

**Citation:** SOAHR 2010-003

**Upcoming Action:** Nothing scheduled

**Status:** Departmental Discussion

**Regulation ID:** MI15022

### **Rule Summary:**

The Board has filed a Request for Rulemaking (RFR) with the State Office of Administrative Hearings and Rules (SOAHR) to establish rules for the Massage Therapist health professional. Public Act 471 of 2008, which took effect 01/09/09, established the Board of Massage Therapy and added part 179A to article 15 (Massage Therapy) of the Public Health Code to require licensure in order to practice as a massage therapist. The Board's draft rules will implement the requirements of Public Act 471 by doing all of the following: (1) establishing requirements for the licensure and relicensure of massage therapists; (2) adopting a licensure examination for massage therapists; (3) establishing a code of professional ethics for massage therapists; and (4) establishing continuing education requirements that massage therapists will have to meet in order to have their licenses renewed.

The Board's website is available at:

[http://www.michigan.gov/mdch/0,1607,7-132-27417\\_27529\\_53660---,00.html](http://www.michigan.gov/mdch/0,1607,7-132-27417_27529_53660---,00.html)

Public Act 741 (2000) is available at:

<http://www.legislature.mi.gov/documents/2007-2008/publicact/pdf/2008-PA-0471.pdf>

### **Rule Development:**

The Board filed the RFR with SOAHR 01/22/10. A draft rule is not yet available. The Board is newly created and held its first meeting 12/08/09.

### **MT Board of Massage Therapy proposed rules: Rules Concerning Licensure.**

**Issue:** Professional Board Requirements

**Subissue:** Allied Health Education Requirements

**First Reported:** 01/28/2010

**Date Updated:** 01/28/2010

**Contact:** Cheryl Brandt (406) 841-2394  
**Citation:** ARM 24.101.413, NEW RULES I through VII  
**Upcoming Action:** Public Hearing 02/12/10; Comments Due 02/26/10  
**Status:** Hearing/Comments  
**Regulation ID:** MT15062

**Rule Summary:**

The Board has proposed rules concerning licensure. In May 2009, Governor Schweitzer (D) signed House Bill 662, which created the Board and set forth the requirements for the licensure and regulation of massage therapists. The Board has proposed rules to implement the legislation. New Rule V provides for licensure by examination. New Rule V states that an applicant must submit the following: proof of successful completion of a massage therapy educational program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor.

Notice of Proposed Rules (pages 19 to 23 of pdf):  
<http://sos.mt.gov/arm/register/archives/MAR2010/MAR10-02.pdf>

**Rule Development:**

The Board will hold a public hearing 02/18/10. Comments are due 02/26/10.

**NV Board of Psychological Examiners proposed rule: Amendments relating to licensure to practice psychology.**

**Issue:** Career Colleges  
**First Reported:** 01/22/2010  
**Date Updated:** 01/22/2010  
**Contact:** Laverta Mackie (775) 688-1268  
**Citation:** LCB File No. R131-09; NAC 641.120  
**Upcoming Action:** Legislative Commission hearing 01/28/10  
**Status:** Hearing  
**Regulation ID:** NV14975

**Rule Summary:**

The Board has adopted amendments to NAC 641.120 regarding accreditation recognition.

The rule states that an applicant for a psychologist license may be eligible to take the exam for licensure after graduating with a doctoral degree from a training program which is accredited by the American Psychological Association or an institution accredited by the Council for Higher Education Accreditation. The amendment recognizes recent changes to NAC 641.050 which changed one of the organizations the Board recognizes for accreditation from the Council on Recognition of Postsecondary Accreditation to the Council for Higher Education Accreditation.

Legislative Commission hearing agenda:  
<http://www.leg.state.nv.us/register/Indexes/RegsReviewed.htm>

Adopted amendment (see page 6 of pdf):  
[http://www.leg.state.nv.us/register/RegsReviewed/\\$R131-09A.pdf](http://www.leg.state.nv.us/register/RegsReviewed/$R131-09A.pdf)

**Rule Development:**

The Legislative Commission will hold a hearing 01/28/10. If the Commission approves the rule, it will be effective 01/28/10.

**TX Commission on Law Enforcement Officer Standards and Education proposed amendments:  
Administration, Licensing Requirements, Prelicensing and Reactivation Courses, Tests and  
Endorsements, Enforcement.**

**Issue:** Professional Board Requirements

**First Reported:** 01/27/2010

**Date Updated:** 01/27/2010

**Contact:** Timothy A. Braaten (512) 936-7713

**Citation:** 37 TAC 211.1, 217.19, 217.20, 219.1, 223.13

**Upcoming Action:** Nothing scheduled

**Status:** Review of Comments

**Regulation ID:** TX15028

**Rule Summary:**

The Texas Commission on Law Enforcement Officer Standards and Education (Commission) has proposed amendments to its rules including to its definitions. Among the amendments include adding the definition of accredited college or university to be an institution of higher education that is accredited or authorized by the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Western Association of Schools and Colleges, or an international college or university evaluated and accepted by a United States accredited college.

The amendments also add definitions to academic provider to mean a school, accredited by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board, which has been approved by the commission to provide basic licensing courses. Academic alternative program is defined as a program for college credit offered by a training provider recognized by the Southern Association of Colleges and Schools and the Higher Texas Education Board, authorized by the Commission to conduct preparatory law enforcement training as part of a degree plan program, and consisting of commission-approved curricula.

Accredited college or university is defined as an institution of higher education that is accredited or authorized by the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Western Association of Schools and Colleges, or an international college or university evaluated and accepted by a United States accredited college or university.

A basic licensing course is defined as any current Commission developed course that is required before an individual may be licensed by the commission. Basic peace officer course is defined as the current Commission developed course(s) required for licensing as a peace officer, taught at a licensed law enforcement academy in accordance with commission requirements.

Proposed Rules:

[http://www.tclose.state.tx.us/documents/rules\\_and\\_statutes/rules\\_proposed\\_current.pdf](http://www.tclose.state.tx.us/documents/rules_and_statutes/rules_proposed_current.pdf)

<http://www.sos.state.tx.us/texreg/archive/December252009/PROPOSED/37.PUBLIC%20SAFETY%20AND%20CORRECTIONS.html#230>

**Rule Development:**

The Commission accepted comments through 01/24/10. The proposed effective date is 04/15/10. There is no timetable for future development at the moment.

**WA Department of Health proposed rule: Amending Licensure Requirements for Radiologist Assistants.**

**Issue:** Professional Board Requirements

**Subissue:** Allied Health Education Requirements

**First Reported:** 01/15/2010

**Date Updated:** 01/25/2010

**Contact:** Susan Gragg (360) 236-4941

**Citation:** WAC 246-926

**Upcoming Action:** Nothing scheduled

**Status:** Review of Comments

**Regulation ID:** WA14905

**Rule Summary:**

The Department has proposed to amend WAC 246-926 to add licensure requirements for radiologist assistants, an advanced level radiologic technologist. The new radiologist assistant (RA) profession was created by 2009 SSB 6439, now codified in chapter 18.84 RCW. The proposed rules will establish enforceable standards of practice, education and examination requirements, and licensing fees.

Notice of the proposed rule is available at:

<http://apps.leg.wa.gov/documents/laws/wsr/2009/24/09-24-101.htm>

**Rule Development:**

Staff is reviewing comments received. The Department accepted written comments through 01/20/10 and held a public hearing 01/22/10. The Department published the proposed rule in the 09-24 issue of the register, 12/23/09.