

Date of Hearing: April 9, 2013

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
AB 1030 (Cooley) – As Amended: April 4, 2013

SUBJECT: Community colleges: organization of governing boards: nonvoting student members.

SUMMARY: Authorizes, if the seat of a student trustee becomes vacant during his or her term, the governing board of a California Community College (CCC) district to allow the officers of the college's student body association, as specified in existing law, to appoint an interim nonvoting student trustee to serve the remainder of the term in accordance with the district's policies.

EXISTING LAW:

- 1) Requires the board of trustees of each CCC district to include at least one nonvoting student member to be chosen by the students in a manner determined by the board. States that to be eligible, the student must be enrolled in a community college of the district for at least five semester units. States that the term of office for the student trustee is one year, commencing on May 15 or June 1 of each year. Stipulates that nonvoting student members of the board are entitled to mileage reimbursement but specifically prohibits their receipt of compensation. (Education Code § 72023.5)
- 2) Authorizes the establishment of CCC student body organizations and associated fees. (EC § 76060 et seq.)
- 3) Requires a CCC district governing board to either order an election or make a provisional appointment to fill the vacancy of an elected trustee, as specified, and in the case of an appointment, authorizes registered voters in the district to petition for a special election. (EC § 5091)

FISCAL EFFECT: This bill is keyed nonfiscal by Legislative Counsel.

COMMENTS: Background. Current law does not specify a process that CCC districts must follow when a student trustee vacancy occurs. Some districts have allowed the student body organizations to select an interim representative, while others hold a special election. Student trustees serve one-year terms.

Federal ruling. In 2009, the governing board of the Los Rios Community College District invalidated a student trustee election because of irregularities in the voting schedule established at the colleges. The board chose to allow the elected student government presidents from each of the District's colleges to collectively appoint a student trustee to fill the remainder of the one-year term, pursuant to the district's existing policies. The District was sued by a student group, American River College Students for Liberty Campaign, which claimed the appointment was invalid. The federal district court ruled in favor of the plaintiff, holding that existing law requires the District to hold another election to ensure the student trustee would be selected by the student body.

Process for filling elected trustee vacancies. The governing board of a CCC district must either hold a special election or make a provisional appointment, as specified, to fill the remainder of the term when an elected trustee vacates his or her term. In the case of an appointment, registered voters in the district may petition for a special election, as specified. Elected trustees serve two-year terms; as noted previously, student trustees serve one-year terms.

Need for this bill. According to the author, "This bill would grant the governing board permission to allow student association leaders to appoint a successor trustee in the event the student trustee seat becomes vacant during its term." The author notes that special elections are burdensome, cost the district approximately \$10,000 in staff time, and can leave the students without representation on the board for up to two months out of a 12 month term.

Related legislation. AB 447 (Williams), set for hearing in this Committee on April 9, would allow nonvoting student members of CCC district governing boards to attend closed sessions, make and second motions, and cast an advisory vote that is recorded in the minutes of board meetings.

REGISTERED SUPPORT / OPPOSITION:

Support

Kern Community College District
Los Rios Community College District
Mt. San Jacinto Community College District
Peralta Community College District

Opposition

None on file.

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