

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1541 (Mike Fong) – As Introduced February 17, 2023

SUBJECT: Community colleges: governing board membership: student members

SUMMARY: Authorizes student member(s) of the governing board of each community college district to cast an advisory vote immediately before votes are cast by the regularly elected members of the governing board. Specifically, **this bill:**

- 1) Authorizes student member(s) of the governing board of each community college district to cast an advisory vote prior to any votes cast by the regular elected members of the governing board.
- 2) Requires the governing board of each community college district to adopt rules and regulations on the privileges provided to the student members by the governing board by May 15 of each year.
- 3) Makes clarifying and technical changes to existing law.

EXISTING LAW:

- 1) Establishes the California Community Colleges (CCC) under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).
- 2) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified (EDC Section 70902).
- 3) Requires the governing board of each community district to include in their membership one or more nonvoting students. Each student member has the right to attend and participate in meetings of the governing board, except for executive sessions, and must attend a CCC within the governing board's district. Students selected to serve on the governing board are chosen and subject to recall by the CCC district's student population. If a student member seat becomes vacant, the governing board may authorize the officers of the student body association at each college in the district to appoint a student to serve the remainder of the term according to procedures established by the governing board. Each nonvoting student member will be provided the same mileage allowance as other sitting board members of the governing board. Each governing board may determine and adopt conforming regulations each year as to whether any student member of the board may make or second motions, attend closed sessions as specified, serve a term of one year, and receive compensation up to the amount received by other members of the board. (EDC Section 72023.5).

FISCAL EFFECT: Unknown

COMMENTS: *Need for the measure.* As expressed by the author, “as a former trustee of the Los Angeles Community College District, student representation is very important to me. Student opinion and perspectives are vital to the decisions that a community college governing board member makes during their time on the board. AB 1541 will ensure that all student trustees are able to express how they would vote on all action items. This will help all governing board members make more educated decisions on issues that affect the lives of students and their success.”

Structure of California Community Colleges (CCC). The CCC is comprised of 116 community colleges and is the largest system of higher education in the United States serving 1.8 million students in 2022. The CCC was established as part of the state’s tripartite structure to provide postsecondary education for the people of California. In the 1960 Master Plan for Higher Education (Master Plan), the vision for the CCC was established as an open access institution, accepting 100% of applicants and providing vocational, associate degrees, and general education for the purpose of transferring to a four-year university. The governing structure of the CCC was also established within the Master Plan and was mirrored after the governing structure for the K-12 system. The CCC is governed by both a statewide Board of Governors and a locally elected board of trustees who govern geographical areas known as a districts. CCC districts are comprised of at least one community college, but can have more than one community college within their boundary. The Board of Governors consists of 18 voting members including community members, tenured faculty, classified staff, and two student representatives. With the exception of the Lieutenant Governor, each member of the Board of Governors is appointed by the Governor. The Board of Governors sets policy and provides guidance to the 73 districts and the 116 colleges within the system.

The Board of Governors appoints the Chancellor of the CCC who serves as the Chief Executive Officer of the Board of Governors and oversees the system’s executive office. The role of the Chancellor’s Office of the CCC is to provide technical and fiscal assistance to the districts in fulfilling the mission of providing postsecondary education to the people of California.

With the exception of Calbright, whose local governing board is also the Board of Governors, the other 115 colleges are governed by locally elected governing boards. Each local governing board has either five or seven voting members, known as trustees, who are elected in a state-run election either by 1) a smaller region within the district defined as a trustee area; or 2) the populous of the community college within the border of the district. In addition to the trustees, each governing board is required in accordance with state law to have at least one nonvoting student member who is elected by the student population of the district. The role of the local governing board is to establish, maintain, operate, and govern each community college within its district boundary. The number of colleges represented in a single district varies throughout the state; some districts represent a single district whereas the largest, Los Angeles Community College District, represents nine colleges.

Student members of local governing boards. Students’ voices have not always been equally represented on the governing boards of the public higher education segments. Within the last several years, the Legislature has recognized the need for student voices to be adequately represented on the governing boards of the public postsecondary segments. AB 337 (Medina) Chapter 23, Statutes of 2021, authorized voting rights for the student members on the Board of Governors. At the statewide level, student representatives are seen as full members of the Board

of Governors; however, the rights and privileges afforded to student representatives at the local governing boards deviates by district.

As depicted in the Education Code, each local governing board must have at least one nonvoting student board member (student member). The student member is “elected” by the student body population within the district. Since the Education Code is not prescriptive as to how the student is elected, some governing boards allow for each college to elect a student representatives and other governing boards require their student representative to be elected from the total population of the district. To qualify, a student representative must be enrolled in at least five semester units or its equivalent and must maintain good academic standing as determined by the community college district, they attend. A student member serves for one term beginning on June 2 of each year or per the local governing board’s discretion on May 15 of each year. Each student member has the right to attend all board meetings, sit with trustees, receive all materials presented to other board members, and participate in the discussion of an issue before the board. A student member is entitled to the same mileage allowance provided to other board members. A student member is not permitted to attend executive sessions of the board nor are they permitted the right to vote on any measure before the board.

Any additional authority or compensation is provided to the student member by the discretion of the local governing board and determined by either a vote of the governing board or by regulations and procedures adopted by the governing board. Currently, the trustees can determine if a student member may make and second motions, attend specific closed sessions, and/or receive compensation.

Committee Staff notes that nothing within Education Code Section 72023.5 prohibits local governing boards from authorizing advisory votes for students and some have chosen to allow students to provide an advisory vote prior to the voting of the full board. Since the majority of privileges provided to a student member of a local governing board are entirely left to the discretion of the elected members of the governing board, there is a lack of congruency between student members involvement on local governing boards of the CCC.

Every two years, the Community College League of California conducts a survey of local governing boards to determine the governing structure of the community college districts. Among the questions asked include questions regarding the privileges afforded to the student member. Below are the results from the 2019 survey:

<p>Number of Student Members on the Governing Board</p>	<ul style="list-style-type: none"> • 62 districts had one student member; • 9 districts had 2 student members; and, • San Diego Community College District has 3 student members, which rotate attending board meetings.
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<p>How is the Student Member selected by the student body of the district</p>	<ul style="list-style-type: none"> • 3 districts had the Student Body Committee elect the student member; • 62 had the entire student body elect the student member; • 7 had the Student Body President assume the board position; and, • 4 had other avenues of electing the student member.
<p>Making and providing a second to motions</p>	<ul style="list-style-type: none"> • 37 districts permit making a motion; • 25 districts do not permit making a motion; • 43district permit seconding a motion; and, • 4 districts maintain it is the Board’s decision each year.
<p>Attending closed sessions</p>	<ul style="list-style-type: none"> • 5 districts permit the student to attend closed sessions; • 3 maintain it is the Board’s decision; and, • 62 districts do not permit.
<p>Student member has the authority to cast an advisory vote</p>	<ul style="list-style-type: none"> • 3 districts have the Board make the decision each year; • 10 districts do not permit an advisory vote; and, • 58 districts allow for an advisory vote.

AB 1541 (M. Fong) seeks to rectify the current disparity, as highlighted by the survey, in the level of participation of student members on local CCC governing boards by providing all student representatives on the governing board with an advisory vote. AB 1541 (M. Fong) builds upon previous actions of the Legislature to enhance the authority of student representation on governing boards and seeks to provide parity in participation across the state for student members of local CCC governing boards.

Local authority and governance. As previously mentioned, the governing structure of the CCC, unlike its higher education counterparts, is more akin to the K-12 governance structure, which prioritizes local control and governance over statewide control. The reason for this lies in the origins of the CCC, whose colleges were originally part of the K-12 school districts. According to the Little Hoover Commission February 2012 report, *Serving Students, Serving California: Updating the CCC to Meet Evolving Demands*, prior to 1960, community colleges were part of the state’s public school system and fell under the jurisdiction of the State Board of Education. After the implementation of the Master Plan for Higher Education, the Governor, and the Legislature established the Board of Governors to oversee the CCC system and formally created the community college district system to govern the colleges. Unlike the California State University and the University of California which answer to a single central board, the community colleges would continue to be governed and controlled by locally elected boards that are endowed with the authority to make policy and fiscal decisions over the community college within the geographical boundaries of their district.

AB 1541 (M. Fong) by design removes some of the local control and governance currently provided to governing boards. Instead the measure ushers in Legislative oversight and regulation

in terms of the voting privileges provided to students who sit on the CCC governing boards. In recent years, the Legislature has adopted the understanding that students who reside on boards deserve equitable representation and the same privileges as other appointed board members. The desire is for boards to see students as equal partners and as contributors whose input has equal weight as other members of the board. By requiring student members to receive permission from other board members to provide an advisory vote on a measure before the board creates a two-tiered governing board with some student members receiving equitable authority from governing board members and others receiving none. By removing the discretion, student members across the state will have the same role and be afforded the same voting privileges as their counterparts in other CCC districts across the state.

A plethora of social, economic, and geographical changes have occurred since the 1960s when the CCC governance structure was created, and the role of student advocacy and involvement in local governance has expanded with students taking an active role in their community colleges. Furthermore, AB 1541 (M. Fong) is a measured approach for the inclusion of the student's voice through an advisory vote when compared to previous versions of the measure which called for students to have full-voting authority. While this does remove the agency of the local governing board to make decisions on the involvement of their student member in the governance of the CCC district, AB 1541 (M. Fong) aligns with the Legislature's goal of congruency in governance and the inclusion of student voices in local decisions made by the governing boards.

Arguments in support. As explained by the Student Senate for California Community Colleges, "...while many boards do allow their students to have some form of a voice on the board during votes, it is far from universal. Outside of the student trustee position, anyone can run to be a member of a board of trustees regardless of whether they are familiar with community colleges and the issues students face. Student trustees sit on the board to provide that necessary context to trustee members who may not otherwise be familiar with the current community college experience. Nevertheless, by not having even an advisory vote, student trustees face a significant power imbalance. AB 1541 would ensure students have a vote, and thus a voice, on every trustee board."

Previous legislation.

- 1) AB 1216 (Salas), held in the Assembly Appropriations Committee, would have required California Community College (CCC) districts to give student members of local CCC boards of trustees an advisory vote immediately before votes are cast by trustees. The bill also would have required, by June 1, 2022, the CCC Chancellor's Office to convene a stakeholder workgroup to review CCC boards of trustees' policies and regulations and state and federal laws regarding student member involvement.
- 2) AB 2910 (Weber) of 2020, would have authorized each governing board of the CCC district to give each student member an advisory vote and per the discretion of the governing board, a full vote. Entitles each student member of the governing board to make and second motions and to receive the same compensation as a regular board member. Held in the Assembly Higher Education Committee due to the COVID-19,
- 3) AB 884 (Lara), Chapter 619, Statutes of 2011, permits any student, including those without lawful immigration status and a person who is exempt from nonresident tuition, attending a CCC and a California State University to participate in student government, receive

compensation associated with service including but not grants, scholarships, and fee waivers. Requests the University of California to comply with the provision. Eliminates the requirement that a nonvoting student member of a governing board of a CCC district be a California resident.

- 4) AB 1030 (Cooley), Chapter 188, Statutes of 2013, provides that if a seat of a student member of a CCC district's governing board becomes vacant during the student's term, the governing board may authorize the officers of the student body associations at each CCC in the district to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board.
- 5) AB 447 (Williams), as amended on March 21, 2003, would have permitted a nonvoting student member of a CCC district's governing board to attend closed session, as specified, to make and second motions, and to cast an advisory vote that is recorded in the board meeting's minutes. This bill was gutted and amended in the Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Community Colleges, Chancellor's Office
California Teachers Association
Faculty Association of California Community Colleges
San Jose-evergreen Community College District
Student Senate for California Community Colleges

Opposition

None on file.

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