

**ASSEMBLY BILL**

**No. 2542**

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**Introduced by Assembly Member Conway**

February 19, 2010

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An act to add Article 7 (commencing with Section 72700) to Chapter 6 of Part 45 of Division 7 of Title 3 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2542, as introduced, Conway. Community colleges: Accelerating Student Success College Initiative of 2010.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires the Board of Governors to appoint a chief executive officer, to be known as the Chancellor of the California Community Colleges. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

This bill would establish the Accelerating Student Success College Initiative of 2010 and authorize the governing board of a community college district to petition the chancellor for designation as an accelerating student success college. The bill would authorize the chancellor to designate up to 5 community colleges as Accelerating Student Success Colleges. The bill would require a governing board to submit a strategic plan that identifies specified strategies and authorize the governing board to request relief from specified provisions of law

when petitioning for designation as an accelerating student success college.

The bill would provide a specified method for computing the units of full-time equivalent student for apportionment purposes for credit courses offered by accelerating student success colleges and would allow for an additional allocation in specified circumstances. The bill would require the governing board of an accelerating student success college to annually submit a report to specified persons that includes a description of specified progress. The bill would require an accelerating student success college that has been granted relief from specified provisions of law to prepare and submit a report to the chancellor within 5 years of being granted the relief.

By requiring community college districts to perform specified functions to become an accelerating student success college, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 7 (commencing with Section 72700) is  
2 added to Chapter 6 of Part 45 of Division 7 of Title 3 of the  
3 Education Code, to read:

4  
5 Article 7. Accelerating Student Success College Initiative of  
6 2010  
7

8 72700. This article shall be known, and may be cited as, the  
9 Accelerating Student Success College Initiative of 2010.

10 72701. It is the intent of the Legislature, in enacting this article,  
11 to provide an opportunity for up to five colleges, after being  
12 recognized by the Chancellor of the California Community  
13 Colleges as accelerating student success colleges, to apply for

1 relief from requirements in various sections of this code and  
2 regulations in Title 5 of the California Code of Regulations as a  
3 method to accomplish all of the following:

4 (a) Improve student success.

5 (b) Encourage flexibility for college leaders and faculty to  
6 accomplish existing state objectives in statutes and regulations  
7 from which relief is being sought relating to community colleges.

8 (c) Hold the colleges accountable for meeting measurable  
9 student outcomes, and to provide the colleges with a method to  
10 change from a rule-based to a performance-based accountability  
11 system.

12 (d) Provide for funding based on student completion of  
13 educational courses and programs rather than class attendance at  
14 the third week of enrollment.

15 72702. (a) The governing board of a community college  
16 district, after collegial consultation with the academic senate of  
17 the college, may petition the chancellor for designation as an  
18 accelerating student success college. The petition shall include the  
19 strategic plan adopted pursuant to Section 72705.

20 (b) Before submitting a petition for designation to the chancellor,  
21 the governing board shall hold at least one public hearing at which  
22 the board will consider the views of the students, employees,  
23 recognized employee organizations, and representatives of the  
24 college community.

25 (c) The chancellor may authorize no more than five community  
26 colleges to be designated as an accelerating student success college.  
27 In the event a community college district with more than one  
28 college submits a petition, it shall nominate no more than one  
29 college for designation.

30 (d) Designation as an accelerating student success college shall  
31 be for an initial term of five years. During the first three years, an  
32 accelerated student success college may elect to receive  
33 apportionment based on existing statutory and regulatory  
34 provisions, or as provided for in Section 72706.

35 (e) The chancellor shall evaluate the strategic plan adopted  
36 pursuant to Section 72705 as the primary basis for determining  
37 whether to grant the petition for designation as an accelerating  
38 student success college.

39 72703. (a) At the time a governing board files a petition for  
40 designation as an accelerating student success college, the

1 governing board may request the chancellor to accept the district's  
2 strategic plan adopted pursuant to Section 72705 in lieu of  
3 adherence to all or part of Sections 48800, 66738, 66739.5, 78213,  
4 78214, and 78216 of this code, and Sections 53415, 55003, and  
5 58170 of Title 5 of the California Code of Regulations.

6 (b) Any request for relief submitted by the governing board  
7 pursuant to subdivision (a) shall include a written statement as to  
8 both of the following:

9 (1) Whether the exclusive representative, if any, as provided in  
10 Chapter 10.7 (commencing with Section 3540) of Division 4 of  
11 Title 1 of the Government Code, participated in the development  
12 of the strategic plan adopted pursuant to Section 72705.

13 (2) The exclusive representative's position regarding the  
14 strategic plan adopted pursuant to Section 72705.

15 (c) The governing board of an accelerating student success  
16 college requesting relief pursuant to subdivision (a) shall provide  
17 written notice of any public hearing it conducted pursuant to  
18 subdivision (b) of Section 72702, at least 30 days prior to the  
19 hearing, to each exclusive representative.

20 (d) The chancellor shall approve any and all requests for relief  
21 made pursuant to subdivision (a), except in those cases where the  
22 chancellor specifically finds any of the following:

23 (1) The educational needs of the students are not adequately  
24 addressed.

25 (2) The request would substantially increase state costs.

26 (3) The exclusive representative, if any, as provided in Chapter  
27 10.7 (commencing with Section 3540) of Division 4 of Title 1 of  
28 the Government Code, was not a participant in the development  
29 of the strategic plan adopted pursuant to Section 72705.

30 (e) If formal action by the chancellor on a petition and request  
31 for relief made pursuant to subdivision (a) is not taken within 60  
32 days following receipt of a complete and documented petition and  
33 request for relief by the office of the chancellor, the petition and  
34 request for relief shall be deemed approved for five years,  
35 commencing on the first day of the following month.

36 72704. The governing board of an accelerating student success  
37 college shall annually submit a report to the Governor, the  
38 Legislature, the Board of Governors of the California Community  
39 Colleges, and the Chancellor of the California Community  
40 Colleges. This report shall include a description of the progress

1 made toward fulfilling the intent of this article and the strategic  
2 plan adopted pursuant to Section 72705.

3 72705. (a) As a condition of being designated an accelerating  
4 student success college, the governing board, after collegial  
5 consultation with the college's academic senate, shall adopt a  
6 strategic plan designed to demonstrate how the community college  
7 intends to make specified progress on the outcome measures  
8 specified in subdivision (c) of Section 84754.5.

9 (b) The strategic plan shall identify the strategy that the  
10 community college will adopt to attain the state's specific objective  
11 or objectives for the statute or regulation from which relief is being  
12 sought pursuant to subdivision (c) of Section 72703, along with  
13 measurable objectives, metrics to be reported, and benchmark  
14 levels of results to be obtained.

15 72706. (a) Except as provided for in subdivision (b), the  
16 method of computing the units of full-time equivalent student for  
17 apportionment purposes for credit courses offered by accelerating  
18 student success colleges shall be as follows:

19 (1) For credit courses that are scheduled regularly with respect  
20 to the number of days of the week and the number of hours the  
21 course meets each week, inclusive of holidays, and scheduled  
22 coterminously with the college's primary term, the units of  
23 full-time equivalent student, exclusive of independent study and  
24 cooperative work-experience education courses, shall be computed,  
25 pursuant to subdivision (b) of Section 58003.1 of Title 5 of the  
26 California Code of Regulations, by using the student contact hours  
27 of students receiving an evaluative academic record symbol other  
28 than F (Failing) or NP (No Pass), as defined by the Board of  
29 Governors of the California Community Colleges.

30 (2) For credit courses scheduled to meet for five or more days  
31 and scheduled regularly with respect to the number of hours during  
32 each scheduled day, but not scheduled coterminously with the  
33 college's primary term, or scheduled during the summer or other  
34 intersession, the units of full-time equivalent student, exclusive of  
35 independent study and cooperative work-experience education  
36 courses, shall be computed, pursuant to subdivision (c) of Section  
37 58003.1 of Title 5 of the California Code of Regulations, by using  
38 the student contact hours of students receiving an evaluative  
39 academic record symbol other than F (Failing) or NP (No Pass),

1 as defined by the Board of Governors of the California Community  
2 Colleges.

3 (b) An accelerating student success college that calculates less  
4 units of full-time equivalent student for apportionment purposes  
5 than is required by subdivision (a) may be allocated an additional  
6 one thousand dollars (\$1,000) per student reported annually as  
7 completing an associate degree or certificate in an occupational  
8 program approved by the office of the chancellor up to, but not  
9 exceeding, the allowed full-time equivalent student base funding  
10 as reported to the office of the chancellor during the last full  
11 academic year preceding designation as an accelerating student  
12 success college.

13 72707. (a) The approval by a governing board of a community  
14 college district to petition for designation as an accelerating student  
15 success college pursuant to subdivision (a) of Section 72702 shall  
16 not be deemed to be within the scope of bargaining, otherwise  
17 controlled by a collective bargaining agreement, or subject to  
18 review or regulation by the Public Employment Relations Board.

19 (b) Notwithstanding subdivision (a), a request for relief made  
20 pursuant to subdivision (a) of Section 72703 that reasonably and  
21 directly relates to any provision of an existing labor agreement  
22 must have the concurrence of the exclusive representative of the  
23 bargaining unit.

24 (c) The Public Employment Relations Board shall take into  
25 account the intent of the Accelerating Student Success College  
26 Initiative of 2010 when deciding cases brought before it related to  
27 accelerating student success colleges.

28 72708. No later than five years from the date an accelerated  
29 student success college has been granted relief pursuant to Section  
30 72703, the college shall prepare and submit a report to the  
31 chancellor that evaluates whether the relief, in whole or in part,  
32 has contributed to achieving the intent of the Legislature as set  
33 forth in Section 72701 and whether Section 72703 should be  
34 amended to authorize relief from additional provisions of law.

35 SEC. 2. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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