

ASSEMBLY BILL

No. 1029

Introduced by Assembly Member Lara

February 18, 2011

An act to amend Sections 70901 and 70902 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1029, as introduced, Lara. Community colleges: course approval.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law, until January 1, 2013, deletes a requirement that the board of governors review and approve courses of instruction that are not offered as part of an educational program approved by the board of governors.

This bill would extend the date of deletion of this requirement to January 1, 2018.

Existing law establishes community college districts, and requires each district to be under the control of a governing board. Existing law, until January 1, 2013, authorizes a community college district governing board to offer credit courses of instruction without the approval of the board of governors only under conditions authorized by regulations adopted by the board of governors.

This bill would extend that authorization to January 1, 2018.

Existing law requires the Chancellor of the California Community Colleges, on or before January 1, 2012, to prepare and submit a report to the chairpersons of the appropriate policy and fiscal committees of the Legislature describing the results of the monitoring of these courses undertaken pursuant to regulations developed by the board of governors

under the law and the extent to which community college districts have complied with those regulations.

This bill would, instead, require the chancellor to prepare and submit this report by January 1, 2015.

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

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

1 SECTION 1. Section 70901 of the Education Code, as amended
2 by Section 2 of Chapter 817 of the Statutes of 2006, is amended
3 to read:

4 70901. (a) The Board of Governors of the California
5 Community Colleges shall provide leadership and direction in the
6 continuing development of the California Community Colleges as
7 an integral and effective element in the structure of public higher
8 education in the state. The work of the board of governors shall at
9 all times be directed to maintaining and continuing, to the
10 maximum degree permissible, local authority and control in the
11 administration of the California Community Colleges.

12 (b) Subject to, and in furtherance of, subdivision (a), and in
13 consultation with community college districts and other interested
14 parties as specified in subdivision (e), the board of governors shall
15 provide general supervision over community college districts, and
16 shall, in furtherance thereof, perform the following functions:

17 (1) Establish minimum standards as required by law, including,
18 but not limited to, the following:

19 (A) Minimum standards to govern student academic standards
20 relating to graduation requirements and probation, dismissal, and
21 readmission policies.

22 (B) Minimum standards for the employment of academic and
23 administrative staff in community colleges.

24 (C) Minimum standards for the formation of community colleges
25 and districts.

26 (D) Minimum standards for credit and noncredit classes.

27 (E) Minimum standards governing procedures established by
28 governing boards of community college districts to ensure faculty,
29 staff, and students the right to participate effectively in district and
30 college governance, and the opportunity to express their opinions
31 at the campus level and to ensure that these opinions are given

1 every reasonable consideration, and the right of academic senates
2 to assume primary responsibility for making recommendations in
3 the areas of curriculum and academic standards.

4 (2) Evaluate and issue annual reports on the fiscal and
5 educational effectiveness of community college districts according
6 to outcome measures cooperatively developed with those districts,
7 and provide assistance when districts encounter severe management
8 difficulties.

9 (3) Conduct necessary systemwide research on community
10 colleges and provide appropriate information services, including,
11 but not limited to, definitions for the purpose of uniform reporting,
12 collection, compilation, and analysis of data for effective planning
13 and coordination, and dissemination of information.

14 (4) Provide representation, advocacy, and accountability for the
15 California Community Colleges before state and national legislative
16 and executive agencies.

17 (5) Administer state support programs, both operational and
18 capital outlay, and those federally supported programs for which
19 the board of governors has responsibility pursuant to state or federal
20 law. In so doing, the board of governors shall do the following:

21 (A) (i) Annually prepare and adopt a proposed budget for the
22 California Community Colleges. The proposed budget shall, at a
23 minimum, identify the total revenue needs for serving educational
24 needs within the mission, the amount to be expended for the state
25 general apportionment, the amounts requested for various
26 categorical programs established by law, the amounts requested
27 for new programs and budget improvements, and the amount
28 requested for systemwide administration.

29 (ii) The proposed budget for the California Community Colleges
30 shall be submitted to the Department of Finance in accordance
31 with established timelines for development of the annual Budget
32 Bill.

33 (B) To the extent authorized by law, establish the method for
34 determining and allocating the state general apportionment.

35 (C) Establish space and utilization standards for facility planning
36 in order to determine eligibility for state funds for construction
37 purposes.

38 (6) Establish minimum conditions entitling districts to receive
39 state aid for support of community colleges. In so doing, the board
40 of governors shall establish and carry out a periodic review of each

1 community college district to determine whether it has met the
2 minimum conditions prescribed by the board of governors.

3 (7) Coordinate and encourage interdistrict, regional, and
4 statewide development of community college programs, facilities,
5 and services.

6 (8) Facilitate articulation with other segments of higher
7 education with secondary education.

8 (9) Review and approve comprehensive plans for each
9 community college district. The plans shall be submitted to the
10 board of governors by the governing board of each community
11 college district.

12 (10) (A) Review and approve all educational programs offered
13 by community college districts. The board of governors shall adopt
14 regulations defining the conditions under which a community
15 college district may offer, without the need for approval by the
16 board of governors, a credit course that is not part of an approved
17 educational program. Regulations adopted under this paragraph
18 shall ensure that appropriate safeguards involving training and
19 monitoring are in place, and shall ensure that the authority to offer
20 credit courses that are not part of an approved educational program
21 does not have the effect of permitting community college districts
22 to operate educational programs without the approval of the board
23 of governors.

24 (B) In a manner that is consistent with the regulations adopted
25 by the board of governors under this paragraph, the chancellor
26 shall monitor courses approved pursuant to the act that adds this
27 subparagraph. The chancellor shall prepare and submit a report to
28 the chairpersons of the appropriate policy and fiscal committees
29 of the Legislature on or before January 1, ~~2012~~ 2015. This report
30 shall include, but not necessarily be limited to, a description of the
31 results of the monitoring and the extent to which community
32 college districts have complied with applicable regulations of the
33 board of governors.

34 (11) Exercise general supervision over the formation of new
35 community college districts and the reorganization of existing
36 community college districts, including the approval or disapproval
37 of plans therefor.

38 (12) Notwithstanding any other provision of law, be solely
39 responsible for establishing, maintaining, revising, and updating,

1 as necessary, the uniform budgeting and accounting structures and
2 procedures for the California Community Colleges.

3 (13) Establish policies regarding interdistrict attendance of
4 students.

5 (14) Advise and assist governing boards of community college
6 districts on the implementation and interpretation of state and
7 federal laws affecting community colleges.

8 (15) Contract for the procurement of goods and services, as
9 necessary.

10 (16) Carry out other functions as expressly provided by law.

11 (c) Subject to, and in furtherance of, subdivision (a), the board
12 of governors shall have full authority to adopt rules and regulations
13 necessary and proper to execute the functions specified in this
14 section as well as other functions that the board of governors is
15 expressly authorized by statute to regulate.

16 (d) Wherever in this section or any other statute a power is
17 vested in the board of governors, the board of governors, by a
18 majority vote, may adopt a rule delegating that power to the
19 chancellor, or any officer, employee, or committee of the California
20 Community Colleges, or community college district, as the board
21 of governors may designate. However, the board of governors
22 shall not delegate any power that is expressly made nondelegable
23 by statute. Any rule delegating authority shall prescribe the limits
24 of delegation.

25 (e) In performing the functions specified in this section, the
26 board of governors shall establish and carry out a process for
27 consultation with institutional representatives of community college
28 districts so as to ensure their participation in the development and
29 review of policy proposals. The consultation process shall also
30 afford community college organizations, as well as interested
31 individuals and parties, an opportunity to review and comment on
32 proposed policy before it is adopted by the board of governors.

33 (f) This section shall remain in effect only until January 1, ~~2013~~
34 2018, and as of that date is repealed, unless a later enacted statute,
35 that is enacted before January 1, ~~2013~~ 2018, deletes or extends
36 that date.

37 SEC. 2. Section 70901 of the Education Code, as added by
38 Section 3 of Chapter 817 of the Statutes of 2006, is amended to
39 read:

1 70901. (a) The Board of Governors of the California
2 Community Colleges shall provide leadership and direction in the
3 continuing development of the California Community Colleges as
4 an integral and effective element in the structure of public higher
5 education in the state. The work of the board of governors shall at
6 all times be directed to maintaining and continuing, to the
7 maximum degree permissible, local authority and control in the
8 administration of the California Community Colleges.

9 (b) Subject to, and in furtherance of, subdivision (a), and in
10 consultation with community college districts and other interested
11 parties as specified in subdivision (e), the board of governors shall
12 provide general supervision over community college districts, and
13 shall, in furtherance of those purposes, perform the following
14 functions:

15 (1) Establish minimum standards as required by law, including,
16 but not limited to, the following:

17 (A) Minimum standards to govern student academic standards
18 relating to graduation requirements and probation, dismissal, and
19 readmission policies.

20 (B) Minimum standards for the employment of academic and
21 administrative staff in community colleges.

22 (C) Minimum standards for the formation of community colleges
23 and districts.

24 (D) Minimum standards for credit and noncredit classes.

25 (E) Minimum standards governing procedures established by
26 governing boards of community college districts to ensure faculty,
27 staff, and students the right to participate effectively in district and
28 college governance, and the opportunity to express their opinions
29 at the campus level and to ensure that these opinions are given
30 every reasonable consideration, and the right of academic senates
31 to assume primary responsibility for making recommendations in
32 the areas of curriculum and academic standards.

33 (2) Evaluate and issue annual reports on the fiscal and
34 educational effectiveness of community college districts according
35 to outcome measures cooperatively developed with those districts,
36 and provide assistance when districts encounter severe management
37 difficulties.

38 (3) Conduct necessary systemwide research on community
39 colleges and provide appropriate information services, including,
40 but not limited to, definitions for the purpose of uniform reporting,

1 collection, compilation, and analysis of data for effective planning
2 and coordination, and dissemination of information.

3 (4) Provide representation, advocacy, and accountability for the
4 California Community Colleges before state and national legislative
5 and executive agencies.

6 (5) Administer state support programs, both operational and
7 capital outlay, and those federally supported programs for which
8 the board of governors has responsibility pursuant to state or federal
9 law. In so doing, the board of governors shall do the following:

10 (A) (i) Annually prepare and adopt a proposed budget for the
11 California Community Colleges. The proposed budget shall, at a
12 minimum, identify the total revenue needs for serving educational
13 needs within the mission, the amount to be expended for the state
14 general apportionment, the amounts requested for various
15 categorical programs established by law, the amounts requested
16 for new programs and budget improvements, and the amount
17 requested for systemwide administration.

18 (ii) The proposed budget for the California Community Colleges
19 shall be submitted to the Department of Finance in accordance
20 with established timelines for development of the annual Budget
21 Bill.

22 (B) To the extent authorized by law, establish the method for
23 determining and allocating the state general apportionment.

24 (C) Establish space and utilization standards for facility planning
25 in order to determine eligibility for state funds for construction
26 purposes.

27 (6) Establish minimum conditions entitling districts to receive
28 state aid for support of community colleges. In so doing, the board
29 of governors shall establish and carry out a periodic review of each
30 community college district to determine whether it has met the
31 minimum conditions prescribed by the board of governors.

32 (7) Coordinate and encourage interdistrict, regional, and
33 statewide development of community college programs, facilities,
34 and services.

35 (8) Facilitate articulation with other segments of higher
36 education with secondary education.

37 (9) Review and approve comprehensive plans for each
38 community college district. The plans shall be submitted to the
39 board of governors by the governing board of each community
40 college district.

1 (10) Review and approve all educational programs offered by
2 community college districts, and all courses that are not offered
3 as part of an educational program approved by the board of
4 governors.

5 (11) Exercise general supervision over the formation of new
6 community college districts and the reorganization of existing
7 community college districts, including the approval or disapproval
8 of plans therefor.

9 (12) Notwithstanding any other provision of law, be solely
10 responsible for establishing, maintaining, revising, and updating,
11 as necessary, the uniform budgeting and accounting structures and
12 procedures for the California Community Colleges.

13 (13) Establish policies regarding interdistrict attendance of
14 students.

15 (14) Advise and assist governing boards of community college
16 districts on the implementation and interpretation of state and
17 federal laws affecting community colleges.

18 (15) Contract for the procurement of goods and services, as
19 necessary.

20 (16) Carry out other functions as expressly provided by law.

21 (c) Subject to, and in furtherance of, subdivision (a), the board
22 of governors shall have full authority to adopt rules and regulations
23 necessary and proper to execute the functions specified in this
24 section as well as other functions that the board of governors is
25 expressly authorized by statute to regulate.

26 (d) Wherever in this section or any other statute a power is
27 vested in the board of governors, the board of governors, by a
28 majority vote, may adopt a rule delegating that power to the
29 chancellor, or any officer, employee, or committee of the California
30 Community Colleges, or community college district, as the board
31 of governors may designate. However, the board of governors
32 shall not delegate any power that is expressly made nondelegable
33 by statute. Any rule delegating authority shall prescribe the limits
34 of delegation.

35 (e) In performing the functions specified in this section, the
36 board of governors shall establish and carry out a process for
37 consultation with institutional representatives of community college
38 districts so as to ensure their participation in the development and
39 review of policy proposals. The consultation process shall also
40 afford community college organizations, as well as interested

1 individuals and parties, an opportunity to review and comment on
2 proposed policy before it is adopted by the board of governors.

3 (f) This section shall become operative on January 1, ~~2013~~ 2018.

4 SEC. 3. Section 70902 of the Education Code, as amended by
5 Section 4 of Chapter 817 of the Statutes of 2006, is amended to
6 read:

7 70902. (a) (1) Every community college district shall be under
8 the control of a board of trustees, which is referred to herein as the
9 “governing board.” The governing board of each community
10 college district shall establish, maintain, operate, and govern one
11 or more community colleges in accordance with law. In so doing,
12 the governing board may initiate and carry on any program or
13 activity, or may otherwise act, in any manner that is not in conflict
14 with, inconsistent with, or preempted by, any law, and that is not
15 in conflict with the purposes for which community college districts
16 are established.

17 (2) The governing board of each community college district
18 shall establish rules and regulations not inconsistent with the
19 regulations of the board of governors and the laws of this state for
20 the government and operation of one or more community colleges
21 in the district.

22 (b) In furtherance of subdivision (a), the governing board of
23 each community college district shall do all of the following:

24 (1) Establish policies for, and approve, current and long-range
25 academic and facilities plans and programs, and promote orderly
26 growth and development of the community colleges within the
27 district. In so doing, the governing board shall, as required by law,
28 establish policies for, develop, and approve, comprehensive plans.
29 The governing board shall submit the comprehensive plans to the
30 board of governors for review and approval.

31 (2) (A) Establish policies for and approve credit courses of
32 instruction and educational programs. The educational programs
33 shall be submitted to the board of governors for approval. A credit
34 course of instruction that is not offered in an approved educational
35 program may be offered without the approval of the board of
36 governors only under conditions authorized by regulations adopted
37 by the board of governors.

38 (B) The governing board shall establish policies for, and
39 approve, individual courses that are offered in approved educational
40 programs, without referral to the board of governors.

- 1 (3) Establish academic standards, probation, dismissal, and
2 readmission policies, and graduation requirements not inconsistent
3 with the minimum standards adopted by the board of governors.
- 4 (4) Employ and assign all personnel not inconsistent with the
5 minimum standards adopted by the board of governors, and
6 establish employment practices, salaries, and benefits for all
7 employees not inconsistent with the laws of this state.
- 8 (5) To the extent authorized by law, determine and control the
9 district's operational and capital outlay budgets. The district
10 governing board shall determine the need for elections for override
11 tax levies and bond measures, and request that those elections be
12 called.
- 13 (6) Manage and control district property. The governing board
14 may contract for the procurement of goods and services as
15 authorized by law.
- 16 (7) Establish procedures not inconsistent with minimum
17 standards established by the board of governors to ensure faculty,
18 staff, and students the opportunity to express their opinions at the
19 campus level, to ensure that these opinions are given every
20 reasonable consideration, to ensure the right to participate
21 effectively in district and college governance, and to ensure the
22 right of academic senates to assume primary responsibility for
23 making recommendations in the areas of curriculum and academic
24 standards.
- 25 (8) Establish rules and regulations governing student conduct.
- 26 (9) Establish student fees as it is required to establish by law,
27 and, in its discretion, fees as it is authorized to establish by law.
- 28 (10) In its discretion, receive and administer gifts, grants, and
29 scholarships.
- 30 (11) Provide auxiliary services as deemed necessary to achieve
31 the purposes of the community college.
- 32 (12) Within the framework provided by law, determine the
33 district's academic calendar, including the holidays it will observe.
- 34 (13) Hold and convey property for the use and benefit of the
35 district. The governing board may acquire, by eminent domain,
36 any property necessary to carry out the powers or functions of the
37 district.
- 38 (14) Participate in the consultation process established by the
39 board of governors for the development and review of policy
40 proposals.

1 (c) In carrying out the powers and duties specified in subdivision
2 (b) or other provisions of statute, the governing board of each
3 community college district shall have full authority to adopt rules
4 and regulations, not inconsistent with the regulations of the board
5 of governors and the laws of this state, that are necessary and
6 proper to executing these prescribed functions.

7 (d) Wherever in this section or any other statute a power is
8 vested in the governing board, the governing board of a community
9 college district, by majority vote, may adopt a rule delegating the
10 power to the district's chief executive officer or any other employee
11 or committee as the governing board may designate. However, the
12 governing board shall not delegate any power that is expressly
13 made nondelegable by statute. Any rule delegating authority shall
14 prescribe the limits of the delegation.

15 (e) This section shall remain in effect only until January 1, ~~2013~~
16 *2018*, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, ~~2013~~ *2018*, deletes or extends
18 that date.

19 SEC. 4. Section 70902 of the Education Code, as added by
20 Section 5 of Chapter 817 of the Statutes of 2006, is amended to
21 read:

22 70902. (a) (1) Every community college district shall be under
23 the control of a board of trustees, which is referred to herein as the
24 "governing board." The governing board of each community
25 college district shall establish, maintain, operate, and govern one
26 or more community colleges in accordance with law. In so doing,
27 the governing board may initiate and carry on any program,
28 activity, or may otherwise act in any manner that is not in conflict
29 with or inconsistent with, or preempted by, any law and that is not
30 in conflict with the purposes for which community college districts
31 are established.

32 (2) The governing board of each community college district
33 shall establish rules and regulations not inconsistent with the
34 regulations of the board of governors and the laws of this state for
35 the government and operation of one or more community colleges
36 in the district.

37 (b) In furtherance of subdivision (a), the governing board of
38 each community college district shall do all of the following:

39 (1) Establish policies for, and approve, current and long-range
40 academic and facilities plans and programs and promote orderly

1 growth and development of the community colleges within the
2 district. In so doing, the governing board shall, as required by law,
3 establish policies for, develop, and approve, comprehensive plans.
4 The governing board shall submit the comprehensive plans to the
5 board of governors for review and approval.

6 (2) Establish policies for and approve courses of instruction and
7 educational programs. The educational programs shall be submitted
8 to the board of governors for approval. Courses of instruction that
9 are not offered in approved educational programs shall be
10 submitted to the board of governors for approval. The governing
11 board shall establish policies for, and approve, individual courses
12 that are offered in approved educational programs, without referral
13 to the board of governors.

14 (3) Establish academic standards, probation and dismissal and
15 readmission policies, and graduation requirements not inconsistent
16 with the minimum standards adopted by the board of governors.

17 (4) Employ and assign all personnel not inconsistent with the
18 minimum standards adopted by the board of governors and
19 establish employment practices, salaries, and benefits for all
20 employees not inconsistent with the laws of this state.

21 (5) To the extent authorized by law, determine and control the
22 district's operational and capital outlay budgets. The district
23 governing board shall determine the need for elections for override
24 tax levies and bond measures and request that those elections be
25 called.

26 (6) Manage and control district property. The governing board
27 may contract for the procurement of goods and services as
28 authorized by law.

29 (7) Establish procedures that are consistent with minimum
30 standards established by the board of governors to ensure faculty,
31 staff, and students the opportunity to express their opinions at the
32 campus level, to ensure that these opinions are given every
33 reasonable consideration, to ensure the right to participate
34 effectively in district and college governance, and to ensure the
35 right of academic senates to assume primary responsibility for
36 making recommendations in the areas of curriculum and academic
37 standards.

38 (8) Establish rules and regulations governing student conduct.

39 (9) Establish student fees as it is required to establish by law,
40 and, in its discretion, fees as it is authorized to establish by law.

1 (10) In its discretion, receive and administer gifts, grants, and
2 scholarships.

3 (11) Provide auxiliary services as deemed necessary to achieve
4 the purposes of the community college.

5 (12) Within the framework provided by law, determine the
6 district's academic calendar, including the holidays it will observe.

7 (13) Hold and convey property for the use and benefit of the
8 district. The governing board may acquire by eminent domain any
9 property necessary to carry out the powers or functions of the
10 district.

11 (14) Participate in the consultation process established by the
12 board of governors for the development and review of policy
13 proposals.

14 (c) In carrying out the powers and duties specified in subdivision
15 (b) or other provisions of statute, the governing board of each
16 community college district shall have full authority to adopt rules
17 and regulations, not inconsistent with the regulations of the board
18 of governors and the laws of this state, that are necessary and
19 proper to executing these prescribed functions.

20 (d) Wherever in this section or any other statute a power is
21 vested in the governing board, the governing board of a community
22 college district, by majority vote, may adopt a rule delegating the
23 power to the district's chief executive officer or any other employee
24 or committee as the governing board may designate. However, the
25 governing board shall not delegate any power that is expressly
26 made nondelegable by statute. Any rule delegating authority shall
27 prescribe the limits of the delegation.

28 (e) This section shall become operative on January 1, ~~2013~~
29 2018.

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