

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 447**

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**Introduced by Assembly Member Williams**

February 19, 2013

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An act to amend Section ~~72023.5~~ 66602 of the Education Code, relating to ~~community colleges~~ *public postsecondary education*.

LEGISLATIVE COUNSEL'S DIGEST

AB 447, as amended, Williams. ~~Community colleges: organization of governing boards: nonvoting student members. California State University: student trustees.~~

*Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the trustees are composed of a total of 25 members, including 2 California State University students appointed by the Governor for 2-year terms. Existing law prohibits a student member from voting at a board meeting during the first year of his or her term.*

*The bill would authorize a student member to vote at a board meeting during the first year of his or her term if the other student member is absent from that meeting.*

~~Existing law requires the governing board of each community college district to order the inclusion within the membership of the governing board of one or more nonvoting students, who are enrolled in a community college of the district, and chosen by students enrolled in the community colleges of the district, in accordance with procedures~~

~~prescribed by the governing board. Existing law provides that a nonvoting student member shall not be included in determining the vote required to carry any measure before the governing board. Existing law authorizes a nonvoting student member, at the discretion of the governing board, to make and second motions, to attend closed sessions of the governing board, except on personnel and collective bargaining matters, to receive a specified amount of compensation, and to serve a one-year term.~~

~~This bill would authorize a nonvoting student member, without being subject to the discretion of the governing board, to make and second motions, and to attend closed sessions, except on personnel, collective bargaining, and litigation matters. This bill would authorize a nonvoting student member to cast an advisory vote but would provide that the advisory vote shall not count in determining the vote required to carry a measure before the governing board.~~

~~By requiring community college districts to record advisory votes of student members, 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-no*.

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

1     SECTION 1. Section 66602 of the Education Code is amended  
2     to read:  
3     66602. (a) The board shall be composed of the following five  
4     ex officio members: the Governor, the Lieutenant Governor, the  
5     Superintendent of Public Instruction, the Speaker of the Assembly,  
6     and the person named by the trustees to serve as the Chancellor  
7     of the California State University; a representative of the alumni  
8     associations of the state university, selected for a two-year term  
9     by the alumni council, California State University, which  
10    representative shall not be an employee of the California State  
11    University during the two-year term; and 16 appointive members

1 appointed by the Governor and subject to confirmation by  
2 two-thirds of the membership of the Senate.

3 (b) (1) Two students from the California State University, who  
4 shall have at least a junior year standing at the institutions they  
5 attend, and who remain in good standing as students during their  
6 respective terms, shall also be appointed by the Governor *to serve*  
7 *on the board* for two-year terms.

8 (2) In the selection of students as members of the board, the  
9 Governor shall appoint the students from lists of names of at least  
10 two, but not more than five, persons furnished by the governing  
11 board of any statewide student organization that represents the  
12 students of the California State University and the student body  
13 organizations of the campuses of the California State University.  
14 Any appointment to fill a vacancy of a student member shall be  
15 effective only for the remainder of the term of the person's office  
16 that became vacated.

17 (3) The term of office of one student member of the board shall  
18 commence on July 1 of an even-numbered year and expire on June  
19 30 two years thereafter. The term of office of the other student  
20 member of the board shall commence on July 1 of an  
21 odd-numbered year and expire on June 30 two years thereafter.  
22 Notwithstanding paragraph (1), a student member who graduates  
23 from his or her college or university on or after January 1 of the  
24 second year of his or her term of office may serve the remainder  
25 of the term.

26 (4) (A) During the first year of a student member's term, a  
27 student member shall be a member of the board and may attend  
28 all meetings of the board and its committees. At these meetings,  
29 a student member may fully participate in discussion and debate,  
30 but may not vote. During the second year of a student member's  
31 term, a student member may exercise the same right to attend  
32 meetings of the board, and its committees, and shall have the same  
33 right to vote as the members appointed pursuant to subdivision  
34 (a).

35 (B) *Notwithstanding subparagraph (A), during the first year of*  
36 *a student member's term, the student may vote at a board meeting*  
37 *if the other student member is absent from that meeting.*

38 (5) Notwithstanding paragraph (4), if a student member resigns  
39 from office or a vacancy is otherwise created in that office during  
40 the second year of a student member's term, the remaining student

1 member shall immediately assume the office created by the vacancy  
2 and all of the participation privileges of the second-year student  
3 member, including the right to vote, for the remainder of that term  
4 of office.

5 (c) (1) A faculty member from the California State University,  
6 who shall be tenured at the California State University campus at  
7 which he or she teaches, shall also be appointed by the Governor  
8 *to serve on the board* for a two-year term. In the selection of a  
9 faculty member as a member of the board, the Governor shall  
10 appoint the faculty member from a list of names of at least two  
11 persons furnished by the Academic Senate of the California State  
12 University.

13 (2) The faculty member of the board appointed by the Governor  
14 pursuant to this subdivision shall not participate on any  
15 subcommittee of the board responsible for collective bargaining  
16 negotiations.

17 (3) The term of office of the faculty member of the board shall  
18 commence on July 1, and shall expire on June 30 two years  
19 thereafter.

20 ~~SECTION 1. Section 72023.5 of the Education Code is~~  
21 ~~amended to read:~~

22 ~~72023.5. (a) (1) The governing board of each community~~  
23 ~~college district shall order the inclusion within the membership of~~  
24 ~~the governing board, in addition to the number of members~~  
25 ~~otherwise prescribed, of one or more nonvoting students. These~~  
26 ~~students shall have the right to attend each and all meetings of the~~  
27 ~~governing board, except that student members shall not have the~~  
28 ~~right, or be afforded the opportunity, to attend sessions of the~~  
29 ~~governing board specified in paragraph (2) of subdivision (b).~~

30 ~~(2) The students selected to serve on the governing board shall~~  
31 ~~be enrolled in a community college of the district and shall be~~  
32 ~~chosen, and shall be recalled, by the students enrolled in the~~  
33 ~~community colleges of the district in accordance with procedures~~  
34 ~~prescribed by the governing board. A student member shall be~~  
35 ~~required throughout the term of his or her appointment to be~~  
36 ~~enrolled in a community college of the district for at least five~~  
37 ~~semester units, or its equivalent, and shall meet and maintain the~~  
38 ~~minimum standards of scholarship for community college students~~  
39 ~~prescribed by the community college district. Except as provided~~

1 in paragraph (4) of subdivision (b), the term of the student members  
2 shall be one year commencing on June 1 of each year.

3 ~~(3) The nonvoting student members appointed pursuant to this~~  
4 ~~section shall be entitled to mileage allowance to the same extent~~  
5 ~~as regular members, but are not entitled to the compensation~~  
6 ~~prescribed by Section 72024.~~

7 ~~(4) A nonvoting student member shall be seated with the~~  
8 ~~members of the governing board and shall be recognized as a full~~  
9 ~~member of the board at the meetings, including receiving all~~  
10 ~~materials presented to the board members and participating in the~~  
11 ~~questioning of witnesses and the discussion of issues.~~

12 ~~(5) A nonvoting student member shall not be included in~~  
13 ~~determining the vote required to carry any measure before the~~  
14 ~~board, but is authorized to cast an advisory vote pursuant to~~  
15 ~~paragraph (5) of subdivision (b).~~

16 ~~(6) A nonvoting student member shall not be liable for any acts~~  
17 ~~of the governing board.~~

18 ~~(b) Notwithstanding subdivision (a), the nonvoting student~~  
19 ~~member or members selected to serve on the governing board of~~  
20 ~~a community college district pursuant to subdivision (a) may do~~  
21 ~~any of the following:~~

22 ~~(1) Make and second motions.~~

23 ~~(2) Attend closed sessions, other than closed sessions on~~  
24 ~~personnel matters, collective bargaining matters, or litigation.~~

25 ~~(3) Receive compensation, at the discretion of the governing~~  
26 ~~board, up to the amount prescribed by Section 72024.~~

27 ~~(4) Serve a term of one year commencing on May 15 of each~~  
28 ~~year, at the discretion of the governing board.~~

29 ~~(5) Cast an advisory vote that is recorded in the minutes of the~~  
30 ~~governing board meeting. The advisory vote shall not count in~~  
31 ~~determining the vote required to carry a measure before the~~  
32 ~~governing board.~~

33 ~~(e) It is the intent of the Legislature that any decision or action,~~  
34 ~~including any contract entered into pursuant thereto, upon the~~  
35 ~~motion or second of a motion of a student member, shall be fully~~  
36 ~~legal and enforceable against the district or any party thereto.~~

37 ~~(d) The governing board of each community college district~~  
38 ~~that affords the nonvoting student member or members of the board~~  
39 ~~the privileges enumerated in paragraphs (3) or (4) of subdivision~~  
40 ~~(b) shall, by May 15 of each year, adopt rules and regulations~~

1 ~~implementing this section. These rules and regulations shall be~~  
2 ~~effective until May 15 of the following year.~~

3 ~~(e) If a state court finds this section is unlawful, the court may~~  
4 ~~order, as equitable relief, that the administering entity that is the~~  
5 ~~subject of the lawsuit terminate any waiver awarded under this~~  
6 ~~statute or provision, but no money damages, tuition refund or~~  
7 ~~waiver, or other retroactive relief may be awarded. In any action~~  
8 ~~in which the court finds this section is unlawful, the California~~  
9 ~~Community Colleges are immune from the imposition of any award~~  
10 ~~of money damages, tuition refund or waiver, or other retroactive~~  
11 ~~relief.~~

12 ~~SEC. 2. If the Commission on State Mandates determines that~~  
13 ~~this act contains costs mandated by the state, reimbursement to~~  
14 ~~local agencies and school districts for those costs shall be made~~  
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
16 ~~4 of Title 2 of the Government Code.~~