

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JULY 11, 2013

AMENDED IN SENATE JUNE 27, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1358**

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**Introduced by Assembly Member Fong**  
*(Coauthor: Senator Lara)*

February 22, 2013

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An act to amend Section 76060.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Fong. Student body association: student representation fee.

Existing law authorizes the governing board of a community college district to authorize the students of a college to organize a student body association to encourage students to participate in the governance of the college and conduct any activities, including fundraising activities. Existing law authorizes the governing body of a student body association to order an election be held to establish a student representation fee of \$1 per semester, collected by officials of the community college at or before registration, and requires an affirmative vote of  $\frac{2}{3}$  of the students voting in the election to establish the fee.

This bill would instead authorize the election to establish the student representation fee in the amount of \$2, *and* would require an affirmative vote of a majority of the students voting in the election to establish the

student representation ~~fee, and~~ *fee*. *The bill* would, for a student representation fee adopted on or after January 1, 2014, require \$1 of the \$2 student representation fee to be expended to establish and support the operations of a statewide community college student organization, recognized by the Board of Governors of the California Community Colleges, with effective student representation and participation in state-level community college shared governance and with governmental affairs representatives to advocate before the Legislature and other state and local governmental entities. The bill would specify the underlying goals of a statewide community college student organization and would require the organization to comply with specified open records and open meetings laws. The bill would require the fees expended to establish and support the operations of the statewide community college organization to be distributed to the Board of Governors of the California Community Colleges for further distribution to the recognized statewide community college student organization if the organization satisfies certain conditions. The bill would, for a student representation fee adopted before January 1, 2014, provide that the student body association shall retain the authority to continue to receive the \$1 student representation fee, and authorize the student body association to conduct an election to instead adopt a \$2 student representation fee, as described above. The bill would require the statewide community college student organization to reimburse the Office of the Chancellor of the California Community Colleges for any costs incurred to implement these provisions. The bill would also require preparation of a summary by a community college district describing the amount of student representation fees collected, the expenditures of the proceeds of the student representation fee, and the amount distributed to the Board of Governors of the California Community Colleges. The bill would require the summary to be presented at the community college district board meeting each year and posted to the district Internet Web site. To the extent that this additional requirement would impose new collection duties on the community colleges, 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 no reimbursement is required by this act for a specified reason.

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. Section 76060.5 of the Education Code is  
2 amended to read:  
3 76060.5. (a) If a student body association has been established  
4 at a community college as authorized by Section 76060, the  
5 governing body of the association may order that an election be  
6 held for the purpose of establishing a student representation fee  
7 of two dollars (\$2) per semester. The election shall be held in  
8 compliance with regulations of the Board of Governors of the  
9 California Community Colleges and shall be open to all regularly  
10 enrolled students of the community college. The affirmative vote  
11 of a majority of the students voting in the election shall be  
12 sufficient to establish the fee. However, the election shall not be  
13 sufficient to establish the fee unless the number of students who  
14 vote in the election equals or exceeds the average of the number  
15 of students who voted in the previous three student body  
16 association elections.  
17 (b) The student representation fee authorized by this section  
18 shall be collected by the officials of the community college,  
19 together with all other fees, at the time of registration or before  
20 registration and shall be deposited in a separate fiduciary fund  
21 established per the California Community Colleges Budget and  
22 Accounting Manual for student representation fees. The money  
23 collected pursuant to this section shall be expended to provide  
24 support for governmental affairs representatives of local or  
25 statewide student body organizations who may be stating their  
26 positions and viewpoints before city, county, and district  
27 governments, and before offices and agencies of ~~the~~ state  
28 government.  
29 (c) (1) One dollar (\$1) of every two-dollar (\$2) fee collected  
30 shall be expended to establish and support the operations of a  
31 statewide community college student organization, recognized by  
32 the Board of Governors of the California Community Colleges,  
33 with effective student representation and participation in state-level  
34 community college shared governance and with governmental  
35 affairs representatives to advocate before the Legislature and other

1 state and local governmental entities. This subdivision shall only  
2 apply to student representation fees adopted on or after January 1,  
3 2014.

4 (2) The underlying goals of a statewide community college  
5 student organization shall include, but are not limited to, all of the  
6 following:

7 (A) Establishing a sustainable foundation for statewide  
8 community college student representation and advocacy.

9 (B) Promoting institutional and organizational memory.

10 (C) Ensuring and maintaining responsible community college  
11 student organizational oversight and decisionmaking.

12 (D) Strengthening regional approaches for community college  
13 student representation and coordination.

14 (E) Promoting and enhancing student opportunities for  
15 engagement in community college student issues and affairs.

16 (F) Providing for open and public transparency and  
17 accountability.

18 (d) Fees collected pursuant to subdivision (c) shall be annually  
19 distributed to the Board of Governors before February 1. The Board  
20 of Governors shall have custody of the moneys and shall, each  
21 year by April 15, distribute the moneys to the recognized statewide  
22 community college student organization if the recognized statewide  
23 community college student organization satisfies all of the  
24 following:

25 (1) Is established as a legal entity registered with the Secretary  
26 of State.

27 (2) Demonstrates compliance with all applicable state and  
28 federal laws and reporting requirements.

29 (3) Exercises prudent fiscal management by establishing  
30 generally accepted accounting controls and procedures.

31 (4) (A) Commencing after the first year it receives funding  
32 pursuant to this subdivision, completes an annual independent  
33 financial audit, the results of which shall be annually provided to  
34 the Board of Governors for review.

35 (B) (i) Except as provided in clause (ii) and after the first year  
36 funding is received, it shall be a condition for funding pursuant to  
37 this subdivision that the results of the annual audit identify no  
38 significant audit findings.

39 (ii) In no event shall funds be withheld from the statewide  
40 community college student organization unless the statewide

1 community college student organization fails to address and correct  
2 any identified exceptions, concerns, errors, or deficiencies  
3 contained in the annual audit after being given a reasonable  
4 opportunity to do so.

5 (5) Meets the obligations and addresses the goals described in  
6 subdivision (c).

7 (e) Meetings of the recognized statewide community college  
8 student organization shall be open to the public and shall comply  
9 with the requirements of the California Public Records Act  
10 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
11 Title 1 of the Government Code) and the Ralph M. Brown Act  
12 (Chapter 9 (commencing with Section 54950) of Part 1 of Division  
13 2 of Title 5 of the Government Code).

14 (f) Notwithstanding subdivision (c), a student body association  
15 that adopted a student representation fee before January 1, 2014,  
16 shall retain the authority to continue to receive the one-dollar (\$1)  
17 fee as authorized pursuant to this section as it read before January  
18 1, 2014. The student body association may conduct an election  
19 pursuant to subdivision (a) to adopt a revised student representation  
20 fee. If an election conducted pursuant to subdivision (a) establishes  
21 the revised student representation fee, then one dollar (\$1) of every  
22 two-dollar (\$2) fee collected shall be expended as described in  
23 subdivision (c).

24 (g) (1) The chief fiscal officer of the community college shall  
25 have custody of the money collected pursuant to this section, *except*  
26 *as provided in subdivision (d)*, and the money shall be disbursed  
27 for the purposes described ~~above~~ *in subdivision (b)* upon the order  
28 of the governing body of the student body association.

29 (2) The community college district shall annually prepare a  
30 summary of all revenue collected from the student representation  
31 fee and the expenditures of the proceeds of the student  
32 representation fee. The summary shall include the amount  
33 distributed to the Board of Governors of the California Community  
34 Colleges each year. The summary shall be presented at the  
35 community college district board meeting each year and posted to  
36 the community college district Internet Web site.

37 (3) The community college district may retain a portion of the  
38 fees collected and deposited pursuant to this section that is equal  
39 to the actual cost of administering these fees up to, but not more  
40 than, 7 percent.

1 (h) The student representation fee authorized by this section  
2 may be terminated by a majority vote of the students voting in an  
3 election held for that purpose. The election shall be called and held  
4 in compliance with regulations of the Board of Governors of the  
5 California Community Colleges and shall be open to all regularly  
6 enrolled students of the community college.

7 (i) A student may, for religious, political, financial, or moral  
8 reasons, refuse to pay the student representation fee established  
9 under this section. The refusal shall be submitted in writing to the  
10 community college officials at the time the student pays other fees  
11 collected by the community college officials. The refusal shall be  
12 submitted on the same form that is used for collection of fees as  
13 provided by the community college, which, as determined by the  
14 community college, shall be as nearly as practical in the same form  
15 as a model form prescribed by regulations of the Board of  
16 Governors of the California Community Colleges.

17 (j) Any costs incurred by the Office of the Chancellor of the  
18 California Community Colleges to implement subdivisions (c) and  
19 (d) shall be reimbursed by the statewide community college student  
20 organization.

21 (k) If no statewide community college student organization that  
22 qualifies for funding in accordance with this section is recognized  
23 by the Board of Governors, the funds collected pursuant to this  
24 section shall be held by the Office of the Chancellor of the  
25 California Community Colleges until a qualifying statewide  
26 community college student organization is recognized, or shall be  
27 returned to the source of funds.

28 SEC. 2. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 a local agency or school district has the authority to levy service  
31 charges, fees, or assessments sufficient to pay for the program or  
32 level of service mandated by this act, within the meaning of Section  
33 17556 of the Government Code.