

**ASSEMBLY BILL**

**No. 2087**

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**Introduced by Assembly Member Ammiano**

February 20, 2014

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An act to amend Section 70901 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2087, as introduced, Ammiano. Community colleges: Board of Governors of the California Community Colleges.

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 specifies the duties of the board of governors, including the duty to provide assistance when community college districts encounter severe management difficulties.

This bill would prohibit the board, when exercising its duty to provide assistance when community college districts encounter severe management difficulties, from usurping, transferring, or limiting, in any way, the powers of the governing boards of these districts, as specified.

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 112 of the Statutes of 2011, is amended  
3 to 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 *community college* 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 *community*  
28 *college* district and college governance, and the opportunity to  
29 express their opinions at the campus level and to ensure that these  
30 opinions are given every reasonable consideration, and the right  
31 of academic senates to assume primary responsibility for making  
32 recommendations in the areas of curriculum and academic  
33 standards.

34 (2) Evaluate and issue annual reports on the fiscal and  
35 educational effectiveness of community college districts according  
36 to outcome measures cooperatively developed with those  
37 *community college* districts, and provide assistance when  
38 *community college* districts encounter severe management  
39 difficulties; *however, the board shall not usurp, transfer, or limit,*

1 *in any way, the powers of the governing boards of community*  
2 *college districts as specified in Section 70902.*

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

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

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

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

23 (ii) The proposed budget for the California Community Colleges  
24 shall be submitted to the Department of Finance in accordance  
25 with established timelines for development of the annual Budget  
26 Bill.

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

29 (C) Establish space and utilization standards for facility planning  
30 in order to determine eligibility for state funds for construction  
31 purposes.

32 (6) Establish minimum conditions entitling *community college*  
33 districts to receive state aid for support of community colleges. In  
34 so doing, the board of governors shall establish and carry out a  
35 periodic review of each community college district to determine  
36 whether it has met the minimum conditions prescribed by the board  
37 of governors.

38 (7) Coordinate and encourage interdistrict, regional, and  
39 statewide development of community college programs, facilities,  
40 and services.

- 1 (8) Facilitate articulation with other segments of higher  
2 education with secondary education.
- 3 (9) Review and approve comprehensive plans for each  
4 community college district. The plans shall be submitted to the  
5 board of governors by the governing board of each community  
6 college district.
- 7 (10) Review and approve all educational programs offered by  
8 community college districts, and all courses that are not offered  
9 as part of an educational program approved by the board of  
10 governors.
- 11 (11) Exercise general supervision over the formation of new  
12 community college districts and the reorganization of existing  
13 community college districts, including the approval or disapproval  
14 of plans therefor.
- 15 (12) Notwithstanding any other provision of law, be solely  
16 responsible for establishing, maintaining, revising, and updating,  
17 as necessary, the uniform budgeting and accounting structures and  
18 procedures for the California Community Colleges.
- 19 (13) Establish policies regarding interdistrict attendance of  
20 students.
- 21 (14) Advise and assist governing boards of community college  
22 districts on the implementation and interpretation of state and  
23 federal laws affecting community colleges.
- 24 (15) Contract for the procurement of goods and services, as  
25 necessary.
- 26 (16) Carry out other functions as expressly provided by law.
- 27 (c) Subject to, and in furtherance of, subdivision (a), the board  
28 of governors shall have full authority to adopt rules and regulations  
29 necessary and proper to execute the functions specified in this  
30 section as well as other functions that the board of governors is  
31 expressly authorized by statute to regulate.
- 32 (d) Wherever in this section or any other statute a power is  
33 vested in the board of governors, the board of governors, by a  
34 majority vote, may adopt a rule delegating that power to the  
35 chancellor, or any officer, employee, or committee of the California  
36 Community Colleges, or community college district, as the board  
37 of governors may designate. However, the board of governors  
38 shall not delegate any power that is expressly made nondelegable  
39 by statute. Any rule delegating authority shall prescribe the limits  
40 of delegation.

- 1 (e) In performing the functions specified in this section, the
- 2 board of governors shall establish and carry out a process for
- 3 consultation with institutional representatives of community college
- 4 districts so as to ensure their participation in the development and
- 5 review of policy proposals. The consultation process shall also
- 6 afford community college organizations, as well as interested
- 7 individuals and parties, an opportunity to review and comment on
- 8 proposed policy before it is adopted by the board of governors.
- 9 (f) This section shall become operative on January 1, 2014.