

AMENDED IN SENATE MARCH 24, 2014

SENATE BILL

No. 1068

Introduced by Senator Beall

February 18, 2014

An act to ~~amend Section 70901 of~~ *add Section 72209 to, and to add and repeal Section 72210 of*, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1068, as amended, Beall. Community colleges: ~~Board of Governors of the California Community Colleges: accreditation.~~

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, among other duties, establishing minimum standards for the formation of community colleges and districts. *Under its existing regulatory authority, the board of governors requires each community college to be accredited and has designated the Accrediting Commission for Community and Junior Colleges as the accrediting agency.*

~~This bill would make nonsubstantive changes in the provision relating to the duties of the board of governors: would, notwithstanding that designation, authorize the governing board of a community college district to designate a federally recognized accrediting agency to accredit community colleges under its jurisdiction. The bill would require the selected accrediting agency to comply with various requirements, including the California Public Records Act, obtaining approval from the board of governors for new accreditation policies~~

or procedures that increase costs, and to not charge fees unrelated to the accreditation process, as provided. The bill would require the board of governors, on or before January 1, 2016, to report to the Legislature on the feasibility of creating an independent accrediting agency to accredit the California Community Colleges and other 2-year private postsecondary educational institutions for purposes of the federal Higher Education Act of 1965 and state-authorized financial aid, as provided.

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

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

1 SECTION 1. Section 72209 is added to the Education Code,
2 to read:

3 72209. (a) Notwithstanding any other law or regulations and
4 to the extent authorized by federal law, the governing board of a
5 community college district may designate a federally recognized
6 accrediting agency to accredit community colleges under its
7 jurisdiction.

8 (b) The accrediting agency for the community colleges
9 designated by Section 51016 of Title 5 of the California Code of
10 Regulations shall remain the accrediting agency for a community
11 college district until the governing board of the community college
12 district exercises its discretion pursuant to subdivision (a).

13 (c) The accrediting agency designated pursuant to subdivision
14 (a) shall comply with all of the following requirements:

15 (1) Documents related to the accreditation of a community
16 college are subject to public disclosure pursuant to the California
17 Public Records Act (Chapter 3.5 (commencing with Section 6250)
18 of Division 7 of Title 1 of the Government Code).

19 (2) Obtain approval from the Board of Governors of the
20 California Community Colleges before implementing a new
21 accreditation policy or procedure that increases costs for a
22 community college, community college district, or the state.

23 (3) Not charge a community college or community college
24 district for costs unrelated to the accreditation process, including,
25 but not limited to, attorneys fees.

26 (d) This section does not affect the accreditation status of a
27 community college on January 1, 2015.

1 (e) This section does not apply to the accrediting agency's
2 activities that are related to private educational institutions in the
3 state or educational institutions outside of the state.

4 (f) This section does not affect the authority of the United States
5 Department of Education regarding educational institutions.

6 (g) The provisions of this section are severable. If any provision
7 of this section or its application is held invalid, that invalidity shall
8 not affect other provisions or applications that can be given effect
9 without the invalid provision or application.

10 SEC. 2. Section 72210 is added to the Education Code, to read:

11 72210. (a) The Board of Governors of the California
12 Community Colleges, on or before January 1, 2016, shall report
13 to the Legislature on the feasibility of creating an independent
14 accrediting agency to accredit the California Community Colleges
15 and other two-year private postsecondary educational institutions
16 for purposes of Title IV of the federal Higher Education Act of
17 1965 (20 U.S.C. Sec. 1070 et seq.), as amended, and
18 state-authorized financial aid.

19 (b) The independent accrediting agency would be separate from
20 state government and funded by fees or dues paid by those
21 postsecondary educational institutions seeking accreditation from
22 the accrediting agency.

23 (c) (1) The report to be submitted pursuant to subdivision (a)
24 shall be submitted in compliance with Section 9795 of the
25 Government Code.

26 (2) Pursuant to Section 10231.5 of the Government Code, this
27 section is repealed on January 1, 2020.

28 SECTION 1. Section 70901 of the Education Code is amended
29 to read:

30 ~~70901. (a) The Board of Governors of the California~~
31 ~~Community Colleges shall provide leadership and direction in the~~
32 ~~continuing development of the California Community Colleges as~~
33 ~~an integral and effective element in the structure of public higher~~
34 ~~education in the state. The work of the board of governors shall at~~
35 ~~all times be directed to maintaining and continuing, to the~~
36 ~~maximum degree permissible, local authority and control in the~~
37 ~~administration of the California Community Colleges.~~

38 (b) ~~Subject to, and in furtherance of, subdivision (a), and in~~
39 ~~consultation with community college districts and other interested~~
40 ~~parties as specified in subdivision (c), the board of governors shall~~

1 provide general supervision over community college districts, and
2 shall, in furtherance of those purposes, perform the following
3 functions:

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

6 (A) Minimum standards to govern student academic standards
7 relating to graduation requirements and probation, dismissal, and
8 readmission policies.

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

11 (C) Minimum standards for the formation of community colleges
12 and districts.

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

14 (E) Minimum standards governing procedures established by
15 governing boards of community college districts to ensure faculty,
16 staff, and students the right to participate effectively in district and
17 college governance, and the opportunity to express their opinions
18 at the campus level and to ensure that these opinions are given
19 every reasonable consideration, and the right of academic senates
20 to assume primary responsibility for making recommendations in
21 the areas of curriculum and academic standards.

22 (2) Evaluate and issue annual reports on the fiscal and
23 educational effectiveness of community college districts according
24 to outcome measures cooperatively developed with those districts,
25 and provide assistance when districts encounter severe management
26 difficulties.

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

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

35 (5) Administer state support programs, both operational and
36 capital outlay, and those federally supported programs for which
37 the board of governors has responsibility pursuant to state or federal
38 law. In so doing, the board of governors shall do all of the
39 following:

1 ~~(A) (i) Annually prepare and adopt a proposed budget for the~~
2 ~~California Community Colleges. The proposed budget shall, at a~~
3 ~~minimum, identify the total revenue needs for serving educational~~
4 ~~needs within the mission, the amount to be expended for the state~~
5 ~~general apportionment, the amounts requested for various~~
6 ~~categorical programs established by law, the amounts requested~~
7 ~~for new programs and budget improvements, and the amount~~
8 ~~requested for systemwide administration.~~

9 ~~(ii) The proposed budget for the California Community Colleges~~
10 ~~shall be submitted to the Department of Finance in accordance~~
11 ~~with established timelines for development of the annual Budget~~
12 ~~Bill.~~

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

15 ~~(C) Establish space and utilization standards for facility planning~~
16 ~~in order to determine eligibility for state funds for construction~~
17 ~~purposes.~~

18 ~~(6) Establish minimum conditions entitling districts to receive~~
19 ~~state aid for support of community colleges. In so doing, the board~~
20 ~~of governors shall establish and carry out a periodic review of each~~
21 ~~community college district to determine whether it has met the~~
22 ~~minimum conditions prescribed by the board of governors.~~

23 ~~(7) Coordinate and encourage interdistrict, regional, and~~
24 ~~statewide development of community college programs, facilities,~~
25 ~~and services.~~

26 ~~(8) Facilitate articulation with other segments of higher~~
27 ~~education with secondary education.~~

28 ~~(9) Review and approve comprehensive plans for each~~
29 ~~community college district. The plans shall be submitted to the~~
30 ~~board of governors by the governing board of each community~~
31 ~~college district.~~

32 ~~(10) Review and approve all educational programs offered by~~
33 ~~community college districts, and all courses that are not offered~~
34 ~~as part of an educational program approved by the board of~~
35 ~~governors.~~

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

1 ~~(12) Notwithstanding any other law, be solely responsible for~~
2 ~~establishing, maintaining, revising, and updating, as necessary,~~
3 ~~the uniform budgeting and accounting structures and procedures~~
4 ~~for the California Community Colleges.~~

5 ~~(13) Establish policies regarding interdistrict attendance of~~
6 ~~students.~~

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

10 ~~(15) Contract for the procurement of goods and services, as~~
11 ~~necessary.~~

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

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

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

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

35 ~~(f) This section shall become operative on January 1, 2014.~~