

ASSEMBLY BILL

No. 1000

Introduced by Assembly Member Weber

February 26, 2015

An act to repeal and add Section 89712 of the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

AB 1000, as introduced, Weber. California State University: student success fees.

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. Existing law authorizes the trustees by rule to require all persons to pay fees, rents, deposits, and charges for services, facilities, or materials provided by the trustees to those persons. Existing law prohibits specified California State University campus-based mandatory fees from being reallocated without an affirmative vote of the majority of the members of either the student body or a specified campus fee advisory committee voting on the fee reallocation, unless the vote that established the fee authorizes an alternative or automatic reallocation mechanism for that fee.

Existing law prohibits a campus or the Chancellor of the California State University from approving a student success fee, as defined, before January 1, 2016. Existing law requires the chancellor to conduct a review of the trustees' fee policy related to student success fees, submit recommended changes to the fee policy to the trustees, consider specified information in conducting that review and in preparing his or her recommended changes to the policy, and to submit a report regarding

those proposed changes to the Department of Finance and the appropriate fiscal and policy committees of the Legislature, on or before February 1, 2015.

This bill would revise and recast the requirements related to student success fees. The bill would prohibit a campus of the California State University, or the Chancellor of the California State University, from imposing a student success fee, as defined, unless certain requirements are met. The bill would establish procedures for campus elections for the adoption or rescission of student success fees. The bill would require the chancellor to report a summary of the fees adopted or rescinded in the prior academic year, and the uses of proposed and currently implemented fees, annually to the Department of Finance and the Legislature.

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 89712 of the Education Code is repealed.
- 2 89712. (a) ~~A campus of the California State University, or the~~
- 3 ~~Chancellor of the California State University, or both, shall not~~
- 4 ~~approve a student success fee, as defined in subdivision (d), before~~
- 5 ~~January 1, 2016.~~
- 6 (b) ~~During the 2014–15 fiscal year, the chancellor shall conduct~~
- 7 ~~a review of the California State University Student Fee Policy~~
- 8 ~~relating to student success fees and recommend to the trustees~~
- 9 ~~changes to the fee policy. In conducting the review and preparing~~
- 10 ~~recommended changes to the fee policy, the chancellor shall~~
- 11 ~~consider all of the following:~~
- 12 (1) ~~The approval process for student success fees, including,~~
- 13 ~~but not limited to, the benefit of utilizing a student election or the~~
- 14 ~~consultative process in the approval process.~~
- 15 (2) ~~The need for statewide policies governing a student election,~~
- 16 ~~the consultative process, or both, for approving a proposed student~~
- 17 ~~success fee, including, but not necessarily limited to, policies~~
- 18 ~~requiring campuses to issue a voter pamphlet, or other~~
- 19 ~~informational document, or both, that provides an objective analysis~~
- 20 ~~of the proposed fee, a detailed description of the proposed fee uses,~~
- 21 ~~statements for and against the proposed fee action, and a~~
- 22 ~~notification to students regarding the dates, times, and locations~~

1 available to either vote, for purposes of a student election, or confer
2 with campus leadership, for purposes of the consultative process,
3 regarding a proposed fee.

4 ~~(3) The means to improve transparency and accountability~~
5 ~~regarding a campus' use of student success fee funds for the benefit~~
6 ~~of members of the campus' community, including, but not~~
7 ~~necessarily limited to, students, faculty, staff, and the general~~
8 ~~public.~~

9 ~~(4) The development of an annual report describing the use of~~
10 ~~student success fee funds by each campus in the prior academic~~
11 ~~year, to be posted on each campus' Internet Web site.~~

12 ~~(5) The approval of a statewide policy to prohibit a campus~~
13 ~~from implementing a student success fee for a period exceeding~~
14 ~~five years unless a continuance of that fee is approved by an~~
15 ~~affirmative vote of the majority of the student body voting, or~~
16 ~~through the consultative process. Approval to continue an approved~~
17 ~~fee shall be required every five years.~~

18 ~~(6) The impact of student success fees on campuses' academic~~
19 ~~programs and services available for students, including, but not~~
20 ~~necessarily limited to, low-income students.~~

21 ~~(7) A provision for financial assistance to offset the cost of the~~
22 ~~fee for low-income students.~~

23 ~~(e) (1) The chancellor shall report to the Department of Finance~~
24 ~~and the appropriate fiscal and policy committees of the Legislature,~~
25 ~~on or before February 1, 2015, regarding the chancellor's proposed~~
26 ~~revisions to the California State University Student Fee Policy~~
27 ~~related to student success fees.~~

28 ~~(2) This subdivision is inoperative on January 1, 2019, pursuant~~
29 ~~to Section 10231.5 of the Government Code.~~

30 ~~(d) For purposes of this section, the following terms have the~~
31 ~~following meanings:~~

32 ~~(1) "Low-income student" means an undergraduate student who~~
33 ~~has an expected family contribution, as defined in subdivision (g)~~
34 ~~of Section 69432.7, at any time during the student's matriculation~~
35 ~~at the institution that would qualify the student to receive a federal~~
36 ~~Pell Grant. The calculation of a student's expected family~~
37 ~~contribution shall be based on the Free Application for Federal~~
38 ~~Student Aid (FAFSA) application or an application determined by~~
39 ~~the California Student Aid Commission to be equivalent to the~~
40 ~~FAFSA application submitted by that applicant.~~

1 ~~(2) A “student success fee” is a type of category II campus-based~~
 2 ~~mandatory fee that must be paid by a student to enroll or attend a~~
 3 ~~campus of the California State University, as determined by that~~
 4 ~~campus or the Chancellor of the California State University.~~

5 SEC. 2. Section 89712 is added to the Education Code, to read:

6 89712. (a) (1) A campus of the California State University,
 7 or the Chancellor of the California State University, or both, shall
 8 not approve a new student success fee or an increase to an existing
 9 student success fee, as defined in subdivision (f), before all of the
 10 following requirements are satisfied:

11 (A) The campus undertakes a rigorous consultation process that
 12 informs and educates students on the uses, impact, and cost of any
 13 proposed student success fee or student success fee increase.

14 (B) The campus informs its students of both of the following:

15 (i) That, except as provided in clause (ii), a student success fee
 16 may be rescinded by a majority vote of the students, as specified
 17 in subdivision (c). The fee may not be rescinded earlier than six
 18 years following the vote to implement the fee.

19 (ii) If any portion of the student success fee is committed to
 20 support ongoing or long-term obligations, that portion of the fee
 21 may not be rescinded until the obligation has been satisfied or, if
 22 the obligation extends beyond 12 years, that portion of the fee
 23 committed to the obligation shall be rescinded not sooner than 12
 24 years following the vote to implement the fee, by a majority vote
 25 of the students as specified in subdivision (c).

26 (C) The campus shall hold a binding student election on the
 27 implementation of any proposed student success fees, or any
 28 increase to an existing student success fee, and a majority of the
 29 student body voting on the fee must vote affirmatively.

30 (2) Implementation of a fee supported by a majority of the
 31 campus student body voting on the fee is contingent upon final
 32 approval of the Chancellor of the California State University.

33 (3) A student success fee proposal may not be brought before
 34 the student body more frequently than once per academic year.

35 (b) A student success fee in place on January 1, 2016, may be
 36 rescinded by a binding student vote under the procedures
 37 authorized in subdivision (c) only after at least six years has elapsed
 38 following the vote to implement the fee.

39 (c) (1) Student success fees may be rescinded with a binding
 40 student vote wherein a simple majority of those students voting

1 vote to rescind the fee. The student vote shall comply with all of
2 the following:

3 (A) A campus decision to vote is formally approved by the
4 recognized student government.

5 (B) Rescission vote proposals shall not be brought before the
6 student body more frequently than once per academic year.

7 (C) In the process of reconsidering a student success fee, and
8 before the student vote occurs, the students shall be informed, if
9 a portion of the fee is supporting ongoing or long-term obligations,
10 the dollar amount of that portion, and the date on which the
11 ongoing or long-term obligation would be satisfied or rescinded,
12 as described in clause (ii) of subparagraph (B) of paragraph (1) of
13 subdivision (a).

14 (2) No new contractual or other obligation that would be
15 supported by the rescinded student success fee may be entered into
16 following a vote to rescind the fee.

17 (d) The Chancellor of the California State University shall
18 ensure that all of the following occurs on each campus:

19 (1) There is majority student representation in campus student
20 success fee allocation oversight groups.

21 (2) There is annual campus reporting to the chancellor on student
22 success fees.

23 (3) There is uniform, transparent, online accountability in the
24 decisionmaking process and a detailed accounting of the allocation
25 of student success fees.

26 (e) The chancellor shall report, by December 1 of each year, to
27 the Department of Finance, and the Legislature pursuant to Section
28 9795 of the Government Code, a summary of the fees adopted or
29 rescinded in the prior academic year, and the uses of proposed and
30 currently implemented fees.

31 (f) For purposes of this section, a “student success fee” is a type
32 of category II campus-based mandatory fee that is required to be
33 paid by a student before that student may enroll or attend a campus
34 of the California State University, as determined by that campus
35 or the Chancellor of the California State University.