

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 986

Introduced by Assembly Member Gipson

February 26, 2015

An act to amend Section ~~17280~~ 71093 of the Education Code, relating to ~~school facilities~~: *postsecondary education*.

LEGISLATIVE COUNSEL'S DIGEST

AB 986, as amended, Gipson. ~~School facilities: Field Act.~~ *Community Colleges: Compton Community College District: report.*

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges. Existing law provides for the establishment of community college districts throughout the state, including the Compton Community College District. Existing law authorizes these districts to provide instruction to students at the campuses operated by these districts.

Existing law authorizes the board of governors to suspend the authority of the Board of Trustees of the Compton Community College District for a period lasting until June 30, 2011, plus a period lasting until the chancellor, the Fiscal Crisis and Management Assistance Team, the Director of Finance, and the Secretary for Education concur with the special trustee that the district, for 2 consecutive academic years, has met the requirements of the comprehensive assessment conducted, and the recovery plan prepared, pursuant to existing law.

Existing law, in the event of a suspension, authorizes the chancellor to appoint a special trustee to manage the district, as specified.

This bill would require the special trustee to report to the Legislature concerning the priorities identified in each Fiscal Crisis and Management Assistance Team report and to provide a response on how the special trustee intends to resolve the issues identified in the Fiscal Crisis and Management Assistance Team report in a timely manner, not to exceed 150 days from receipt of the report. In any instance that there is a decline in performance identified in a report, the special trustee would be required to also specifically identify strategies for ensuring progress in its response to that report. By imposing additional duties on a community college district, 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.

~~The Field Act requires the Department of General Services under the police power of the state to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted, to ensure that plans and specifications comply with the adopted rules and regulations and building standards published in regulations, and to ensure that the work of construction is performed in accordance with the approved plans and specifications for the protection of life and property.~~

~~This bill would make nonsubstantive changes to the provision described above.~~

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

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

- 1 SECTION 1. Section 71093 of the Education Code is amended
- 2 to read:
- 3 71093. Notwithstanding any other provision of law:

1 (a) The board of governors may authorize the chancellor to
2 suspend the authority of the Board of Trustees of the Compton
3 Community College District, or of any of the members of that
4 board, to exercise any powers or responsibilities or to take any
5 official actions with respect to the management of the district,
6 including any of the district's assets, contracts, expenditures,
7 facilities, funds, personnel, or property. The board of governors
8 may authorize suspension for a period up to five years from the
9 effective date of Assembly Bill 318 of the 2005–06 Regular
10 Session, plus a period lasting until the chancellor, the Fiscal Crisis
11 and Management Assistance Team, the Director of Finance, and
12 the Governor concur with the special trustee that the district has,
13 for two consecutive academic years, met the requirements of the
14 comprehensive assessment conducted, and the recovery plan
15 prepared, pursuant to Section 41329.59.

16 (b) A suspension authorized by this section becomes effective
17 immediately upon the delivery of a document to the administrative
18 offices of the Compton Community College District that sets forth
19 the finding of the chancellor that a suspension pursuant to this
20 section is necessary for the establishment of fiscal integrity and
21 security in that district.

22 (c) (1) If and when the chancellor suspends the authority of the
23 Board of Trustees of the Compton Community College District or
24 any of its members pursuant to this section, the chancellor may
25 appoint a special trustee as provided in paragraph (3) of subdivision
26 (c) of Section 84040, at district expense, to manage the district.
27 The chancellor is authorized to assume, and delegate to the special
28 trustee, those powers and duties of the Board of Trustees of the
29 Compton Community College District that the chancellor
30 determines, with the approval of the board of governors, are
31 necessary for the management of that district. The Board of
32 Trustees of the Compton Community College District may not
33 exercise any of the duties or powers assumed by the chancellor
34 under this section.

35 (2) The chancellor may appoint as a special trustee under this
36 section a person who has served in a similar capacity prior to the
37 enactment of the act that adds this section. A special trustee
38 appointed under this section shall serve at the pleasure of the
39 chancellor.

1 (3) Notwithstanding any other provision of law, in order to
2 facilitate the appointment of the special trustee, the chancellor is
3 exempt, for the purposes of this section, from the requirements of
4 Article 6 (commencing with Section 999) of Chapter 6 of Division
5 4 of the Military and Veterans Code and Part 2 (commencing with
6 Section 10100) of Division 2 of the Public Contract Code.

7 (d) Notwithstanding any other provision of law, at any time that
8 this section is in effect, the chancellor is authorized to assume, and
9 delegate to the special trustee, those powers and duties of the
10 Compton Community College District Personnel Commission that
11 the chancellor determines are necessary for the management of
12 the personnel functions of the Compton Community College
13 District. The personnel commission may not exercise any of the
14 powers or duties assumed by the chancellor.

15 (e) Notwithstanding any other provision of law, if the special
16 trustee has been a member of the State Teachers' Retirement
17 System or the Public Employees' Retirement System at any time
18 prior to appointment, he or she shall, for the period of service as
19 special trustee, be a member of the system to which he or she
20 belonged, unless the special trustee elects, in writing, not to be a
21 member. If the special trustee chooses to be a member, the special
22 trustee shall be placed on the payroll of the district, or the payroll
23 of another local education agency or other entity with which the
24 district has an exchange agreement pursuant to Section 87422 or
25 other applicable provisions of law, for the purpose of providing
26 appropriate contributions to the applicable retirement system.

27 (f) The special trustee appointed pursuant to this section is
28 authorized to do all of the following:

29 (1) Implement substantial changes in the fiscal policies and
30 practices of the Compton Community College District.

31 (2) Revise the academic program of the Compton Community
32 College District to reflect realistic income projections in response
33 to the dramatic effect of the changes in fiscal policies and practices
34 upon program quality.

35 (3) Encourage all members of the college community to accept
36 a fair share of the burden of the full recovery of the Compton
37 Community College District in the five operational areas of finance,
38 academics, personnel facilities, and governance.

39 (4) Enter into agreements on behalf of the Compton Community
40 College District and, subject to any contractual and statutory

1 obligation of the Compton Community College District, change
2 any existing district rules, regulations, policies, or practices as
3 necessary for the effective implementation of the recovery plan.
4 Any agreement authorized by this section shall be binding upon
5 the district for the term of the agreement, notwithstanding the
6 removal of the special trustee for any reason or the reinstatement
7 of any powers or responsibilities of the board of trustees. No
8 agreement authorized by this paragraph shall materially impair the
9 security and other interests of the holders of any bonds issued
10 pursuant to Article 9 (commencing with Section 63049.67) of
11 Chapter 2 of Division 1 of Title 6.7 of the Government Code.

12 (5) Appoint an advisory committee to advise the special trustee
13 with respect to the management of the Compton Community
14 College District and the establishment and implementation of the
15 arrangements for provision of services by a partner district pursuant
16 to Article 5 (commencing with Section 74292) of Chapter 5 of
17 Part 46. This advisory committee may include residents of the
18 communities served by the Compton Community College District,
19 and any outside experts deemed appropriate by the special trustee.
20 No member of the advisory committee shall receive any
21 compensation or benefits for his or her services as a member of
22 the advisory committee.

23 (g) In the event of a vacancy in the special trustee position, the
24 chancellor shall temporarily assume all of the powers and duties
25 of the special trustee until another special trustee can be appointed
26 pursuant to this section.

27 (h) *The special trustee shall report to the Legislature concerning*
28 *the priorities identified in each Fiscal Crisis and Management*
29 *Assistance Team report and shall provide a response on how the*
30 *special trustee intends to resolve the issues identified in the Fiscal*
31 *Crisis and Management Assistance Team report in a timely*
32 *manner, not to exceed 150 days from receipt of the report. In any*
33 *instance that there is a decline in performance, the special trustee*
34 *shall specifically identify strategies for ensuring progress in its*
35 *response to that report.*

36 *SEC. 2. If the Commission on State Mandates determines that*
37 *this act contains costs mandated by the state, reimbursement to*
38 *local agencies and school districts for those costs shall be made*
39 *pursuant to Part 7 (commencing with Section 17500) of Division*
40 *4 of Title 2 of the Government Code.*

1 SECTION 1. ~~Section 17280 of the Education Code is amended~~
2 ~~to read:~~

3 ~~17280. (a) (1) The Department of General Services under the~~
4 ~~police power of the state shall supervise the design and construction~~
5 ~~of any school building or the reconstruction or alteration of or~~
6 ~~addition to any school building, if not exempted under Section~~
7 ~~17295, to ensure that the plans and specifications comply with the~~
8 ~~rules and regulations adopted pursuant to this article and building~~
9 ~~standards published in Title 24 of the California Code of~~
10 ~~Regulations, and to ensure that the work of construction is~~
11 ~~performed in accordance with the approved plans and~~
12 ~~specifications, for the protection of life and property. This article~~
13 ~~does not allow a school district to perform work with its own forces~~
14 ~~in excess of the limitations set forth in Sections 17595 and 17599.~~
15 ~~In calculating the cost of any project of reconstruction or alteration~~
16 ~~of, or addition to, any school building for the purpose of~~
17 ~~determining the applicability of the rules and regulations adopted~~
18 ~~pursuant to this article and building standards published in Title~~
19 ~~24 of the California Code of Regulations, the Department of~~
20 ~~General Services shall not include, as an element of that cost, any~~
21 ~~expenses of air-conditioning equipment or insulation materials for~~
22 ~~that building, or of installing the equipment or materials.~~

23 ~~(2) In the alternative, for a leased or purchased building, a school~~
24 ~~district may comply with this section by complying with Section~~
25 ~~17280.5.~~

26 ~~(b) Whenever repairs due to fire damage must be made to any~~
27 ~~school building previously approved by the Department of General~~
28 ~~Services, the approved plans and specifications used in the original~~
29 ~~work under then existing rules, regulations, and building standards~~
30 ~~may be used without modification, providing all other provisions~~
31 ~~of this article are carried out. This subdivision does not apply to~~
32 ~~damage caused by wind or earthquake.~~

33 ~~(c) Notwithstanding any other law, a school district shall not~~
34 ~~be authorized to construct or reconstruct any school building,~~
35 ~~regardless of the source of funding, unless and until the governing~~
36 ~~board of the district, by resolution, indicates the agreement of the~~
37 ~~district that any school building construction or reconstruction that~~
38 ~~exceeds those construction costs and allowable area standards or~~
39 ~~any allowable building area computed for an attendance area~~
40 ~~pursuant to Section 17041 shall, in the event of the district's~~

1 ~~subsequent application for state funding for school facility~~
2 ~~construction, be deducted from the allowable building area for~~
3 ~~which the district would otherwise have been eligible. This~~
4 ~~restriction shall not be subject to waiver or exception as otherwise~~
5 ~~may be provided by law.~~

6 ~~(d) If it is determined that, for any reason, a school district failed~~
7 ~~to comply with the requirement of this section, the district shall~~
8 ~~not be eligible for any additional building area pursuant to Section~~
9 ~~17049 and may be denied any time priority established for the~~
10 ~~particular project pursuant to Section 17016.~~