

AMENDED IN ASSEMBLY APRIL 23, 2015

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 71093 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 986, as amended, Gipson. 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 chancellor~~ 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 chancellor~~ 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.~~ *manner. The bill would require the chancellor to submit the report to the Legislature within 150 days following the issuance of each Fiscal Crisis and Management Assistance Team report.* In any instance that there is a decline in performance identified in a report, the ~~special trustee chancellor~~ 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.~~

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

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:
- 4 (a) The board of governors may authorize the chancellor to
- 5 suspend the authority of the Board of Trustees of the Compton
- 6 Community College District, or of any of the members of that
- 7 board, to exercise any powers or responsibilities or to take any
- 8 official actions with respect to the management of the district,
- 9 including any of the district’s assets, contracts, expenditures,
- 10 facilities, funds, personnel, or property. The board of governors
- 11 may authorize suspension for a period up to five years from the

1 effective date of Assembly Bill 318 of the 2005–06 Regular
2 Session, plus a period lasting until the chancellor, the Fiscal Crisis
3 and Management Assistance Team, the Director of Finance, and
4 the Governor concur with the special trustee that the district has,
5 for two consecutive academic years, met the requirements of the
6 comprehensive assessment conducted, and the recovery plan
7 prepared, pursuant to Section 41329.59.

8 (b) A suspension authorized by this section becomes effective
9 immediately upon the delivery of a document to the administrative
10 offices of the Compton Community College District that sets forth
11 the finding of the chancellor that a suspension pursuant to this
12 section is necessary for the establishment of fiscal integrity and
13 security in that district.

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

27 (2) The chancellor may appoint as a special trustee under this
28 section a person who has served in a similar capacity prior to the
29 enactment of the act that adds this section. A special trustee
30 appointed under this section shall serve at the pleasure of the
31 chancellor.

32 (3) Notwithstanding any other provision of law, in order to
33 facilitate the appointment of the special trustee, the chancellor is
34 exempt, for the purposes of this section, from the requirements of
35 Article 6 (commencing with Section 999) of Chapter 6 of Division
36 4 of the Military and Veterans Code and Part 2 (commencing with
37 Section 10100) of Division 2 of the Public Contract Code.

38 (d) Notwithstanding any other provision of law, at any time that
39 this section is in effect, the chancellor is authorized to assume, and
40 delegate to the special trustee, those powers and duties of the

1 Compton Community College District Personnel Commission that
 2 the chancellor determines are necessary for the management of
 3 the personnel functions of the Compton Community College
 4 District. The personnel commission may not exercise any of the
 5 powers or duties assumed by the chancellor.

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

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

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

22 (2) Revise the academic program of the Compton Community
 23 College District to reflect realistic income projections in response
 24 to the dramatic effect of the changes in fiscal policies and practices
 25 upon program quality.

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

30 (4) Enter into agreements on behalf of the Compton Community
 31 College District and, subject to any contractual and statutory
 32 obligation of the Compton Community College District, change
 33 any existing district rules, regulations, policies, or practices as
 34 necessary for the effective implementation of the recovery plan.
 35 Any agreement authorized by this section shall be binding upon
 36 the district for the term of the agreement, notwithstanding the
 37 removal of the special trustee for any reason or the reinstatement
 38 of any powers or responsibilities of the board of trustees. No
 39 agreement authorized by this paragraph shall materially impair the
 40 security and other interests of the holders of any bonds issued

1 pursuant to Article 9 (commencing with Section 63049.67) of
2 Chapter 2 of Division 1 of Title 6.7 of the Government Code.

3 (5) Appoint an advisory committee to advise the special trustee
4 with respect to the management of the Compton Community
5 College District and the establishment and implementation of the
6 arrangements for provision of services by a partner district pursuant
7 to Article 5 (commencing with Section 74292) of Chapter 5 of
8 Part 46. This advisory committee may include residents of the
9 communities served by the Compton Community College District,
10 and any outside experts deemed appropriate by the special trustee.
11 No member of the advisory committee shall receive any
12 compensation or benefits for his or her services as a member of
13 the advisory committee.

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

18 (h) ~~The special trustee chancellor~~ shall report to the Legislature
19 concerning the priorities identified in each Fiscal Crisis and
20 Management Assistance Team report *conducted pursuant to*
21 *Section 41329.59* and shall provide a response on how the ~~special~~
22 ~~trustee chancellor~~ intends to resolve the issues identified in the
23 Fiscal Crisis and Management Assistance Team report in a timely
24 ~~manner, not to exceed 150 days from receipt of the report.~~ *manner.*
25 *The report shall be submitted to the Legislature within 150 days*
26 *following the issuance of each Fiscal Crisis and Management*
27 *Assistance Team report.* In any instance that there is a decline in
28 performance, the ~~special trustee chancellor~~ shall specifically
29 identify strategies for ensuring progress in its response to that
30 report.

31 ~~SEC. 2.—If the Commission on State Mandates determines that~~
32 ~~this act contains costs mandated by the state, reimbursement to~~
33 ~~local agencies and school districts for those costs shall be made~~
34 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
35 ~~4 of Title 2 of the Government Code.~~

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