

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2210

Introduced by Assembly Member Harper
~~(Coauthor: Assembly Member Brough)~~ *(Coauthors: Assembly Members Brough, Gallagher, and Olsen)*
~~(Coauthor: Senator Bates)~~ *(Coauthors: Senators Bates and Runner)*

February 18, 2016

An act to amend Sections 89711 and 89712 of the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

AB 2210, as amended, Harper. 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 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.

Among these requirements is an affirmative vote of a majority of the student body voting at a binding student election.

This bill would increase the affirmative vote required for the imposition of a student success fee from a majority to $\frac{2}{3}$ of the student body voting on that proposed fee. The bill would also make a technical conforming change in a related provision.

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 89711 of the Education Code is amended
 2 to read:

3 89711. (a) Except as provided for in subdivision (b), a
 4 California State University campus-based mandatory fee, other
 5 than a student success fee as defined in Section 89712, established
 6 through an affirmative vote of the majority of the student body
 7 voting on the fee, but not specifically authorized by statute, shall
 8 not be reallocated without an affirmative vote of a majority of the
 9 members of either the student body or a campus fee advisory
 10 committee established under the policies of the California State
 11 University voting on the fee reallocation.

12 (b) A California State University campus-based mandatory fee,
 13 other than a student success fee as defined in Section 89712,
 14 established through an affirmative vote of the majority of the
 15 student body voting on the fee, but not specifically authorized by
 16 statute, may be reallocated without an affirmative vote of a majority
 17 of the members of either the student body or a campus fee advisory
 18 committee voting on the fee if the vote that established the fee
 19 authorized an alternative or automatic reallocation mechanism for
 20 that fee.

21 (c) This section shall not apply to campus-based fees approved
 22 prior to the enactment of this section.

23 SEC. 2. Section 89712 of the Education Code, as added by
 24 Section 2 of Chapter 636 of the Statutes of 2015, is amended to
 25 read:

26 89712. (a) (1) Neither a campus of the California State
 27 University nor the Chancellor of the California State University
 28 shall approve a new student success fee or an increase to an existing

1 student success fee, as defined in subdivision (g), before all of the
2 following requirements are satisfied:

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

6 (B) The campus informs its students of all of the following
7 circumstances, *each of* which shall apply to these fees:

8 (i) That, except as provided in clauses (ii) and (iii), a student
9 success fee may be rescinded by a majority vote of the students,
10 as specified in subdivision (c).

11 (ii) That a student success fee may not be rescinded earlier than
12 six years following the vote to implement the fee.

13 (iii) If any portion of the student success fee is committed to
14 support a long-term obligation, that portion of the fee may not be
15 rescinded until the obligation has been satisfied.

16 (C) The campus shall hold a binding student election on the
17 implementation of any proposed student success fees, or any
18 increase to an existing student success fee, and two-thirds of the
19 student body voting on the fee must vote affirmatively.

20 (2) Implementation of a fee supported by two-thirds of the
21 campus student body voting on the fee is contingent upon the final
22 approval of the Chancellor of the California State University.

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

25 (b) A student success fee in place on January 1, 2016, may be
26 rescinded by a binding student vote under the procedures
27 authorized in subdivision (c) only after at least six years have
28 elapsed following the implementation of the fee.

29 (c) (1) Student success fees may be rescinded with a binding
30 student vote wherein a simple majority of those students voting
31 vote to rescind the fee. The student vote shall comply with all of
32 the following:

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

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

37 (C) In the process of reconsidering a student success fee, and
38 before the student vote occurs, the students shall be informed, if
39 a portion of the fee is supporting a long-term obligation, the dollar

1 amount of that portion, and the date on which the long-term
2 obligation would be satisfied.

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

6 (d) The Chancellor of the California State University shall
7 ensure that all of the following occur on each campus:

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

10 (2) There is an annual report from each campus to the chancellor
11 on student success fees.

12 (3) There is uniform, transparent, online accountability in the
13 decisionmaking process for, and a detailed accounting of, the
14 allocation of student success fees.

15 (e) The Chancellor of the California State University shall
16 establish appropriate reporting procedures to ensure that a campus
17 is in compliance with the requirements of this section.

18 (f) ~~The chancellor~~ *Chancellor of the California State University*
19 shall report, by December 1 of each year, to the Department of
20 Finance, and the Legislature pursuant to Section 9795 of the
21 Government Code, a summary of the fees adopted or rescinded in
22 the prior academic year, and the uses of proposed and currently
23 implemented fees.

24 (g) For purposes of this section, a “student success fee” is a type
25 of category II campus-based mandatory fee that is required to be
26 paid by a student before that student may enroll or attend a campus
27 of the California State University, as determined by that campus
28 or the Chancellor of the California State University.