Introduced by Assembly Member Salas

February 19, 2021

An act to amend Section 72023.5 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST

AB 1216, as amended, Salas. California Community Colleges: governing board membership: student members.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the governing board of each community college district to order the inclusion within the membership of the governing board of one or more nonvoting students, who are enrolled in a community college of the district, and chosen by students enrolled in the community colleges of the district, in accordance with procedures prescribed by the governing board.

This bill would give each student member of the governing board of a community college district an advisory vote, as specified. This bill would also make conforming changes.

Existing law authorizes a student member to make and second motions, attend closed sessions, except as specified, and to receive compensation like a regular board member, but only at the discretion of the governing board.
This bill would entitle each student member of the governing board to make and second motions, attend closed sessions, except as specified, and to receive the same compensation as a regular board member without further authorization of the governing board.

Existing law requires the governing board of a community college that affords a student member any of certain enumerated privileges to adopt rules and regulations, as specified.

This bill would delete that requirement. The bill would require the governing board of each community college district to notify a student member of their powers and rights as a student member of the governing board of a community college district.

This bill would encourage require the Chancellor and the Board of Governors of the California Community Colleges to establish a stakeholder convene, on or before June 1, 2022, a workgroup including specified representatives, to examine methods of providing a full vote to student members: the active and equitable participation of student members serving on governing boards of community college districts. The bill would require the workgroup, on or before June 1, 2023, to submit a report to the office of the Chancellor of the California Community Colleges and the Legislature that includes the workgroup’s findings and policy recommendations in connection with its review, as specified.

By requiring community college districts to revise governing board procedures, this the 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 the statutory provisions noted above.


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

1 SECTION 1. Section 72023.5 of the Education Code is amended to read:

3 72023.5. (a) (1) (A) The governing board of each community college district shall order the inclusion within the membership of
the governing board, in addition to the number of members
otherwise prescribed, of one or more students. These students shall
be oriented in their role on the governing board and have the right
to attend each and all meetings of the governing board, except that
student members shall not have the right, or be afforded the
opportunity, to attend executive sessions of the governing board.

(B) A student member shall have the opportunity to cast an
advisory vote immediately before votes are cast by the regular
members of the governing board.

(2) A student selected to serve on the governing board shall be
enrolled in a community college of the district and shall be chosen,
and shall be recalled, by the students enrolled in the community
colleges of the district in accordance with procedures prescribed
by the governing board. If the seat of a student member becomes
vacant during the student member’s term, the governing board
may authorize the officers of student body associations established
pursuant to Section 76060 at each community college in the district
to appoint a student to serve the remainder of the term in
accordance with procedures established by the governing board.

A student member shall be required throughout the term of the
student member’s appointment to be enrolled in a community
college of the district for at least five semester units, or its
equivalent, and shall meet and maintain the minimum standards
of scholarship for community college students prescribed by the
community college district. The term of a student member shall
be one year commencing on June 1 of each year.

(3) A student member appointed pursuant to this section shall
be entitled to mileage allowance to the same extent as a regular
member, and is but shall not be entitled to the compensation
prescribed by Section 72024.

(4) A student member shall be seated with the members of the
governing board and shall be recognized as a full member of the
board at the meetings, including receiving all materials presented
to the board members and participating in the questioning of
witnesses and the discussion of issues.

(5) A student member shall not be included in determining the
vote required to carry any measure before the board.

(6) A student member shall not be liable for any acts of the
governing board.
(b) Notwithstanding subdivision (a), a student member may do any of the following: selected to serve on the governing board of a community college district pursuant to subdivision (a) may do any of the following at the discretion of the board:

1. Make and second motions.
2. Attend closed sessions, other than closed sessions on personnel matters or collective bargaining matters.
3. Serve a term of one year commencing on May 15 of each year, at the discretion of the governing board.

(c) It is the intent of the Legislature that any decision or action, including any contract entered into pursuant thereto, upon the motion or second of a motion of a student member, shall be fully legal and enforceable against the district or any party thereto.

(d) The governing board of each community college district shall notify a student member of their powers and rights under this section: that affords a student member of the board any of the privileges enumerated in subdivision (b) shall, by May 15 of each year, adopt rules and regulations implementing this section. These rules and regulations shall be effective until May 15 of the following year.

(e) If a state court finds this section is unlawful, the court may order, as equitable relief, that the administering entity that is the subject of the lawsuit terminate any waiver awarded under this statute or provision, but no money damages, tuition refund or waiver, or other retroactive relief may be awarded. In any action in which the court finds this section is unlawful, the California Community Colleges are immune from the imposition of any award of money damages, tuition refund or waiver, or other retroactive relief.

(f) To encourage the active participation of students on community college district governing boards, and to ensure student’s voices are included in decisions at the local level, the Legislature encourages the Chancellor and the Board of Governors of the California Community Colleges to establish a stakeholder workgroup that includes, but is not limited to, representatives from the California Community College Chancellor’s office, the Student Senate for California Community Colleges, the Secretary of State’s office, and the Community College League of California. The goal of the workgroup will be to examine methods of providing a full vote to student members.
(f) (1) The Chancellor of the California Community Colleges shall convene a workgroup to examine the active and equitable participation of student members serving on governing boards of community college districts. The workgroup shall include, but is not limited to, the following members:

(A) A representative from the office of the Chancellor of the California Community Colleges.

(B) A representative from the Community College League of California.

(C) A representative from the Student Senate for California Community Colleges.

(D) One regular member and one current or former student member from each of the following types of community college district governing boards representing community college districts, with consideration given to ensure representation from the various regions of California are part of the workgroup:

(i) A community college district representing more than one college.

(ii) A community college district representing one college.

(iii) A governing board of a community college district with one student member who receives compensation, can make and second motions, and attends closed sessions as enumerated in subdivision (b).

(iv) A governing board of a community college district with more than one student member.

(2) The workgroup shall convene on or before June 1, 2022.

(3) The workgroup shall do all of the following:

(A) Review community college district governing boards’ policies and regulations, and state and federal laws, regarding the membership capacities of student members serving on governing boards of community college districts, including, but not limited to, all of the following:

(i) Providing student members compensation.

(ii) The scope of work required of student members on governing boards.

(iii) The degree to which student members are provided the ability to make and second motions and attend closed sessions, and whether these privileges reduce the role of democratically elected representatives.
(B) Recommend pathways towards providing parity in the participation of student members serving on community college district governing boards across the state pertaining to the provision of compensation, making and seconding motions, and attending closed sessions.

(C) Examine the capacity by which students can receive a full vote on the governing board of a community college district.

(4) On or before June 1, 2023, the workgroup shall submit a report to the office of the Chancellor of the California Community Colleges and the Legislature, pursuant to Section 9795 of the Government Code, that includes the workgroup’s findings and policy recommendations in connection with its review pursuant to paragraph (3).

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