

Assembly Bill No. 1504

CHAPTER 523

An act to amend Section 76060.5 of the Education Code, relating to community colleges.

[Approved by Governor October 4, 2019. Filed with Secretary of State October 4, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, Medina. Community colleges: student representation fee: statewide community college student organization: goals.

Existing law authorizes the governing body of a student body association to order an election be held to establish a student representation fee of \$2 per semester, collected by officials of the community college at or before registration, and requires an affirmative vote of a majority of the students voting in the election to establish the fee. Existing law authorizes a student to refuse to pay the fee for certain reasons pursuant to a specified procedure and specifies another procedure for an election to terminate the student representation fee for a community college. For a student representation fee adopted on or after January 1, 2014, existing law requires \$1 of the \$2 fee to be expended to establish and support the operations of a statewide community college student organization. Existing law specifies underlying goals required of the statewide community college student organization.

This bill would require the officials at a community college, if a student body association has been established at the college, to collect a student representation fee of \$2 at the time of registration, and would eliminate the authorization for a student election to terminate the fee. The bill would eliminate the requirement that the student provide a reason for refusing to pay the fee. The bill would require a community college to provide the student a means to refuse to pay the fee on the same form that is used for the collection of fees. The bill would require that \$1 of the \$2 fee be expended to establish and support the operation of a statewide community college student organization for all student representation fees collected, rather than only for those fees adopted on or after January 1, 2014. By imposing additional duties on community college districts, the bill would impose a state-mandated local program. The bill would add supporting student participation and engagement in statewide higher education policy and advocacy activities to the required goals of the statewide community college student organization.

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:

SECTION 1. Section 76060.5 of the Education Code is amended to read:

76060.5. (a) If a student body association has been established at a community college as authorized by Section 76060, a student representation fee of two dollars (\$2) shall be collected by the officials of the community college, together with all other fees, at the time of registration or before registration and shall be deposited in a separate fiduciary fund established per the California Community Colleges Budget and Accounting Manual for student representation fees. The money collected pursuant to this section shall be expended to provide support for governmental affairs representatives of local or statewide student body organizations who may be stating their positions and viewpoints before city, county, and district governments, and before offices and agencies of state government.

(b) (1) One dollar (\$1) of every two-dollar (\$2) fee collected shall be expended to establish and support the operations of a statewide community college student organization, recognized by the Board of Governors of the California Community Colleges, with effective student representation and participation in state-level community college shared governance and with governmental affairs representatives to advocate before the Legislature and other state and local governmental entities.

(2) The underlying goals of a statewide community college student organization shall include, but are not limited to, all of the following:

(A) Establishing a sustainable foundation for statewide community college student representation and advocacy.

(B) Promoting institutional and organizational memory.

(C) Ensuring and maintaining responsible community college student organizational oversight and decisionmaking.

(D) Strengthening regional approaches for community college student representation and coordination.

(E) Promoting and enhancing student opportunities for engagement in community college student issues and affairs.

(F) Providing for open and public transparency and accountability.

(G) Supporting student participation and engagement in statewide higher education policy and advocacy activities.

(c) Fees collected pursuant to subdivision (b) shall be annually distributed to the Board of Governors before February 1. The Board of Governors shall have custody of the moneys and shall, each year by April 15, distribute the moneys to the recognized statewide community college student organization if the recognized statewide community college student organization satisfies all of the following:

- (1) Is established as a legal entity registered with the Secretary of State.
- (2) Demonstrates compliance with all applicable state and federal laws and reporting requirements.
- (3) Exercises prudent fiscal management by establishing generally accepted accounting controls and procedures.
- (4) (A) Commencing after the first year it receives funding pursuant to this subdivision, completes an annual independent financial audit, the results of which shall be annually provided to the Board of Governors for review.
(B) (i) Except as provided in clause (ii) and after the first year funding is received, it shall be a condition for funding pursuant to this subdivision that the results of the annual audit identify no significant audit findings.
(ii) In no event shall funds be withheld from the statewide community college student organization unless the statewide community college student organization fails to address and correct any identified exceptions, concerns, errors, or deficiencies contained in the annual audit after being given a reasonable opportunity to do so.
- (5) Meets the obligations and addresses the goals described in subdivision (b).
- (d) Meetings of the recognized statewide community college student organization shall be open to the public and shall comply with the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).
- (e) (1) The chief fiscal officer of the community college shall have custody of the money collected pursuant to this section, except as provided in subdivision (c), and the money shall be disbursed for the purposes described in subdivision (a) upon the order of the governing body of the student body association.
(2) The community college district shall annually prepare a summary of all revenue collected from the student representation fee and the expenditures of the proceeds of the student representation fee. The summary shall include the amount distributed to the Board of Governors of the California Community Colleges each year. The summary shall be presented at the community college district board meeting each year and posted to the community college district internet website.
(3) The community college district may retain a portion of the fees collected and deposited pursuant to this section that is equal to the actual cost of administering these fees up to, but not more than, 7 percent.
- (f) A student may refuse to pay the student representation fee established under this section. The community college shall provide the student a means to refuse to pay the student representation fee on the same form that is used for collection of fees, which, as determined by the community college, shall be as nearly as practical in the same form as a model form prescribed by regulations of the Board of Governors of the California Community Colleges.

(g) Any costs incurred by the Office of the Chancellor of the California Community Colleges to implement subdivisions (b) and (c) shall be reimbursed by the statewide community college student organization.

(h) If no statewide community college student organization that qualifies for funding in accordance with this section is recognized by the Board of Governors, the funds collected pursuant to this section shall be held by the Office of the Chancellor of the California Community Colleges until a qualifying statewide community college student organization is recognized, or shall be returned to the source of funds.

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.