
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1062 **Hearing Date:** June 21, 2017
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Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Postsecondary education: Trustees of the California State University

SUMMARY

This bill increases the voting rights of the student members of the California State University (CSU) Board of Trustees by removing the non-voting status of one of the two student members, thereby giving both students voting rights.

BACKGROUND

Existing law:

- 1) Establishes the CSU to be administered by the Trustees of the California State University. The composition of the 25 member Board of Trustees includes:
 - a) Five ex-officio members: (i) the Governor, (ii) the Lieutenant Governor, (iii) Speaker of the Assembly, (iv) the Superintendent of Public Instruction, and (v) the Chancellor of the CSU.
 - b) Sixteen Governor Appointees confirmed by two-thirds of the Senate, each serving an eight-year term.
 - c) One alumni association representative, who cannot be an employee of the CSU, appointed by the Governor serving a two-year term.
 - d) One tenured CSU faculty representative appointed by the Governor, for a two-year term, from a list of names of at least two persons furnished by the CSU Academic Senate. The faculty member cannot participate on any subcommittees of the board responsible for collective bargaining negotiations.
 - e) Two CSU students, who have at least sophomore year standing at the institutions they attend and who remain in good standing during their respective terms, appointed by the Governor for staggered two-year terms from a list of at least two but not more than five nominees furnished by the governing board of any statewide student organization that represents CSU students and the student body organizations of the CSU campuses. Only one student is eligible to vote at any time. (Education Code § 66602)
- 2) Authorizes each appointive Trustee to receive actual and necessary travel expenses and \$100 for each day he or she is attending to official business.

(EC 66604.5)

- 3) Provides that the term of office of one student member of the Board of Trustees is to begin on July 1 of an even-numbered year and expire on June 30 two years thereafter. Existing law also provides that the term of office of the other student member is to begin on July 1 of an odd-numbered year and expire on June 30 two years thereafter. (EC § 66602)
- 4) Provides that, during the second year of a student member's term, a student member may attend all meetings of the Board and its committees, and has the same right to vote as the other members of the Board. (EC § 66602)
- 5) Provides that, during the first year of a student member's term, a student member is a member of the Board of Trustees and may attend all meetings of the Board and its committees. Existing law authorizes a student member to fully participate in discussion and debate but is prohibited from voting. (EC § 66602)
- 6) Authorizes, during the first year of a student member's term, the student member to vote at a Board of Trustees meeting if the other student member is absent from that meeting. (EC § 66602)
- 7) Provides that a student member is to have his or her tuition fee waived for the duration of his or her term of office. (EC § 66602)

ANALYSIS

This bill increases the voting rights of the student members of the California State University (CSU) Board of Trustees by removing the non-voting status of one of the two student members, thereby giving both students voting rights. Specifically, this bill:

- 1) Deletes existing provisions that prohibit a student member from voting during the first year of the student's term on the CSU Board of Trustees.
- 2) Deletes the existing limit on voting to only the student who is in his or her second year of membership on the Board of Trustees.
- 3) Deletes the authority for a student member, during the first year of the student's term, to vote at a Board of Trustees meeting if the other student member is absent from that meeting.
- 4) Deletes existing provisions that provide for the immediate assumption of office by a student when the other student member resigns from office or a vacancy is otherwise created.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Students are severely underrepresented on the California State University (CSU) Board of Trustees compared to the population on CSU campuses. Currently, there is one student voting member to represent 478,638 students. Since the 2011-12 academic year, student enrollment has grown by over 50,000 students, or 12.2 percent. Students have never been granted more than one member with voting power. The student population is directly affected by decisions the Board makes such as the recent vote to increase tuition cost. Tuition was raised by \$270, or 5 percent, for undergraduate students adding to already burdensome school-related costs.”
- 2) **One nonvoting student.** In 1999, the Legislature added one additional student member to the Board of Trustees. At that time, the California State Student Association (CSSA) believed additional representation was needed on behalf of students in order to assure their needs were being met. Furthermore, they had contended the student population had grown by incredible amounts since the initial inception of a student trustee. The CSSA argued it was nearly impossible for one student to represent the concerns of hundreds of thousands of students and 23 campuses, especially when there are a number of committees and subcommittees to attend as a representative of the Board of Trustees.

The two student members of the Board of Trustee serve staggered two-year terms, with the first year of a student’s membership limited to participation but not voting. The first year of a student’s membership is meant to serve as a learning experience to enable the student to be a more experienced and knowledgeable representative in his or her second year of membership on the Board.

Should students have two votes while faculty have only one vote? This bill adds a voting member, thereby increasing the total votes from 25 to 26, but makes no provisions for the case of a tie vote. **Staff recommends amendments** to also add an additional faculty to the Board of Trustees, and clarify that the list of names of two nominees furnished by the Academic Senate is to be the names of *at least two, but not more than five*, persons.

- 3) **Related legislation.** SCA 14 (Hernandez), among other things, adds to the membership of the University of California Board of Regents undergraduate and graduate students, faculty, and a classified employee. SCA 14 is pending in this Committee.
- 4) **Prior legislation.** AB 2386 (Williams, 2016) revised the membership of the CSU Board of Trustees by requiring the Governor to appoint a permanent non-faculty CSU employee for a two-year term. AB 2386 was vetoed. The Governor’s veto message read:

This bill would require one of my appointments to the California State University (CSU) Board of Trustees to be a permanent non-faculty employee of the CSU, preselected by a newly created systemwide staff council.

While the knowledge and perspective of rank-and-file employees should be sought out and considered within the

decision-making authority of the board, I am not convinced that constraining the Gubernatorial appointments process is necessary when other alternatives could achieve the same result.

I would advise both the Trustees and the Chancellor to find ways to utilize the expertise of non-faculty employees in considering the many issues that come before the board.

SB 1515 (Yee, 2012) reduced the number of gubernatorial appointees requiring Senate confirmation, from 16 to 14, required one member to be a faculty member and one to be a represented permanent non-academic employee at the California State University, and increased the required number of students, from two to four. SB 1515 was held in the Senate Appropriations Committee.

- 5) ***Fiscal impact.*** The Assembly Appropriations Committee analysis was based on a prior version of this bill, which increased the membership of the Board of Trustees by an additional two students. This bill no longer increases the membership, and therefore should not result in increased costs (the non-voting student currently enjoys waived fees as well as per diem).

SUPPORT

None received

OPPOSITION

None received

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