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AB-1000 California State University: student success fees. (2015-2016)

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Assembly Bill No. 1000

CHAPTER 636

An act to repeal and add Section 89712 of the Education Code, relating to the California State University.

[Approved by Governor October 08, 2015. Filed with Secretary of State October 08, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1000, Weber. 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 or the Chancellor of the California State University from approving a student success fee, as defined, before January 1, 2016. Existing law requires the chancellor to conduct a review of the trustees' fee policy related to student success fees, submit recommended changes to the fee policy to the trustees, consider specified information in conducting that review and in preparing his or her recommended changes to the policy, and to submit a report regarding those proposed changes to the Department of Finance and the appropriate fiscal and policy committees of the Legislature, on or before February 1, 2015.

This bill would revise and recast the requirements related to student success fees. The bill would prohibit 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. The bill would establish procedures for campus elections for the adoption or rescission of student success fees. The bill would require the chancellor to report a summary of the fees adopted or rescinded in the prior academic year, and the uses of proposed and currently implemented fees, annually to the Department of Finance and the Legislature.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89712 of the Education Code is repealed.

SEC. 2. Section 89712 is added to the Education Code, to read:

89712. (a) (1) A campus of the California State University, or the Chancellor of the California State University, or both, shall not approve a new student success fee or an increase to an existing student success fee, as defined in subdivision (g), before all of the following requirements are satisfied:

- (A) The campus undertakes a rigorous consultation process that informs and educates students on the uses, impact, and cost of any proposed student success fee or student success fee increase.
- (B) The campus informs its students of all of the following circumstances, which shall apply to these fees:
 - (i) That, except as provided in clauses (ii) and (iii), a student success fee may be rescinded by a majority vote of the students, as specified in subdivision (c).
 - (ii) That a student success fee may not be rescinded earlier than six years following the vote to implement the fee.
 - (iii) If any portion of the student success fee is committed to support a long-term obligation, that portion of the fee may not be rescinded until the obligation has been satisfied.
- (C) The campus shall hold a binding student election on the implementation of any proposed student success fees, or any increase to an existing student success fee, and a majority of the student body voting on the fee must vote affirmatively.

(2) Implementation of a fee supported by a majority of the campus student body voting on the fee is contingent upon the final approval of the Chancellor of the California State University.

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

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

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

- (A) A campus decision to vote is formally approved by the recognized student government.
- (B) Rescission vote proposals shall not be brought before the student body more frequently than once per academic year.
- (C) In the process of reconsidering a student success fee, and before the student vote occurs, the students shall be informed, if a portion of the fee is supporting a long-term obligation, the dollar amount of that portion, and the date on which the long-term obligation would be satisfied.

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

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

- (1) There is majority student representation in campus student success fee allocation oversight groups.
- (2) There is an annual report from each campus to the chancellor on student success fees.
- (3) There is uniform, transparent, online accountability in the decisionmaking process for, and a detailed accounting of, the allocation of student success fees.

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

(f) The chancellor shall report, by December 1 of each year, to the Department of Finance, and the Legislature pursuant to Section 9795 of the Government Code, a summary of the fees adopted or rescinded in the prior academic year, and the uses of proposed and currently implemented fees.

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