

BOARD PROCESS ON STATE LEGISLATIVE POSITIONS

3.3

ACTION

Presentation: *Marlene L. Garcia, Vice Chancellor, Government Relations*

Issue

At the November 2007 meeting, the Board of Governors (Board) approved the request by Government Relations staff to implement a one-year pilot to delegate authority to the Chancellor to take positions on bills. The goal of the pilot was to maximize the community college's effectiveness, influence, and timeliness in weighing in on important legislative policies. Upon the completion of the pilot in November 2008, the Board discussed whether to continue the policy and asked staff to recommend an ongoing policy for taking positions on bills that balances meaningful board engagement on legislative matters while authorizing the Chancellor to respond in a timely fashion to key legislation on behalf of the community college system. The Board asked staff to bring a policy recommendation for consideration at its January 2009 meeting, including the establishment of a legislative subcommittee.

Background

For years, the System Office has struggled with being able to register bill positions on key legislation in time to advocate effectively on behalf of the system. Since the pilot went into effect last year, the Chancellor has been able to take positions on legislation on behalf of the Board in a timely and productive fashion. The Chancellor, vis-à-vis the Government Relations staff, has followed the pilot program procedures and has reported all legislative positions to the Board at the bimonthly meetings. The pilot program has empowered the Government Relations staff to actively represent the system on significant legislation. This past legislative session, the System Office was able to successfully gain passage of all of the Board's top legislative priorities. This was accomplished through a process of regular negotiation with members throughout the process. This authority also helped the system in addressing problematic legislation by providing staff the ability to significantly revise onerous proposals to better reflect the interests of the community colleges. In many instances, the system was able to strengthen relationships with legislators by helping them amend and improve their bills. This new policy authority strengthened the systems' ability to negotiate and work with Legislators to ensure that their bills help community college students reach their educational goals.

Currently, the Board President appoints two Board members to serve as legislative liaisons to the Board. The new policy will include establishment of a two-member legislative subcommittee. The members of the subcommittee will be briefed on legislative matters prior to each board meeting and will be consulted with on key legislative issues that fall outside the realm of *Standing Order No. 317*, if and when these issues require timely response between board meetings.

Recommended Action

It is recommended that the Board approve the following system policy for formulating positions on legislation. It is further recommended that the Board establish a legislative subcommittee to address key legislative issues that fall outside the realm of *Standing Order No. 317*, if and when these issues require timely response between board meetings. This policy works in tandem with the Board's Statement of Legislative Principles and *Standing Order No. 317* (see *Attachments*).

ATTACHMENT 1

Proposed Board Policy for Formulating State Legislative Positions

The Board will delegate authority to the Chancellor to formulate bill positions based on the parameters established within the Statement of Legislative Principles (see *Attachment 2*) and *Standing Order No. 317* (see *Attachment 3*).

Board legislative subcommittee enhancement:

- The President of the Board will appoint two Board members to serve on the legislative subcommittee. The Government Relations staff will work closely with the Chancellor and the two Board members who serve on this subcommittee in addressing major legislation. Prior to each Board meeting, staff will communicate with the two subcommittee members to review legislation, strategy and system positions on these measures. In addition to this standing conversation, staff will consult with the Chancellor and the subcommittee members as needed to discuss key legislation that is not covered under *Standing Order No. 317*. This approach allows the Chancellor to proceed in a timely fashion while seeking meaningful input from Board members.

Policy Procedures for formulating system positions on legislation:

- The Board will delegate authority to the Chancellor to formulate bill positions based on the parameters established by a Statement of Legislative Principles and *Standing Order No. 317*.
- The Statement of Legislative Principles shall encapsulate prior positions and community college values within several major legislative policy areas as outlined in the System Strategic Plan. The Statement of Principles shall also reflect key issues that have been addressed over the past several years. The Consultation Council will review any changes proposed to the Statement of Legislative Principles.
- The Government Relations staff will make every attempt to provide timely bill analysis to facilitate a full discussion with the Board and the Consultation Council on key bills prior to taking bill positions. There will be instances during the legislative process, however, where bills are introduced or amended in between Board meetings and the need for timely response to bills is critical for representing the best interests of the system. In these instances, the Chancellor, vis-à-vis staff, will determine bill positions pursuant to the parameters set by the Legislative Principles and *Standing Order No. 317*. If the issue falls outside of *Standing Order No. 317*, staff will consult with the Board's legislative subcommittee. All actions taken will be reported at the next scheduled meeting.

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- The Board shall retain authority to vote on all sponsored bills pursued within the Legislature.
- The Chancellor and the Government Relations staff shall be accountable to the Board for all system positions.
- Government relations staff shall implement a strong communication mechanism that keeps members of the Legislature, the Administration and California Community College constituents informed of key bill positions taken by the system.

ATTACHMENT 2

Board of Governors of the California Community Colleges *Statement of Legislative Principles*

The Statement of Legislative Principles is adopted by the Board of Governors of the California Community Colleges to provide policy guidelines for the Chancellor when addressing matters pending before the California Legislature. The following constitute the core principles of engagement guiding the development of the System Office's positions on legislation on behalf of the Board of Governors. These principles are designed to:

1. Strengthen the California Community Colleges' ability to accomplish their statutory mission to provide the full range of community college programs and services; and
2. Increase community college student access and success and guarantee affordable, quality education.

Because the Board of Governors supports local governance, an overall guiding principle is that the Board will remain neutral on matters affecting local collective bargaining. Also, the Board of Governors will remain neutral on matters affecting only a particular community college district, except where a policy precedent, or resource allocations, have the potential of affecting other districts or the system and where the legislation would adversely impact the mission of the community colleges.

These legislative principles align Community College legislative priorities with the goals and priorities identified in the System Strategic Plan as follows:

A. Promote college awareness and access: *Increase awareness of colleges as a viable option and enhance access to higher education for growing populations in areas, such as:*

- Enhancing student financial aid to reduce the overall cost of attending college.
- Assisting students with the application process for attending a community college.

B. Support student success and readiness: *Promote college readiness and provide the programs and services that help all students achieve their educational and career goals in areas, such as:*

- Increasing effective delivery of English, ESL, and mathematics basic skills education.
- Strengthening the academic preparation of K-12 students and increasing success at a community college.
- Supporting efforts with four-year institutions designed to provide additional transfers to a four-year institution.

C. **Strengthen partnerships for workforce and economic development:** *Enhance the colleges' capacity to respond to current and emerging labor market needs and to prepare students to compete in a global economy in areas, such as:*

- Supporting coordinated state workforce programs and policies.
- Increasing efforts that align career technical education curriculum and program development between community colleges, K-12 and industry.

D. **Improve system effectiveness:** *Strengthen system effectiveness through communication and coordination, regulatory reform and performance measurement in areas, such as:*

- Enhancing and strengthening the bilateral governance model of the Board of Governors and local district governing boards.
 - i. Maintaining local authority and control in the administration of the colleges.
 - ii. Enhancing the flexibility of the Board of Governors and the chancellor regarding internal management and operation.
- Strengthening college districts' ability to use their capital outlay, infrastructure bonds, and property management funds more efficiently.
- Assuring adequate representation by the California Community Colleges on appropriate boards, commissions, task forces, study groups, and other bodies that may have an impact on the system.
- Developing positions through the Consultation Council as provided by *Board of Governors Standing Order 317*.

E. **Enhance resource development:** *Provide enhanced resources and allocation methods to ensure high-quality education for all in areas, such as:*

- Protecting the fiscal integrity of the system.
- Seeking legislative support for the principles and policies established through the system's budget process in accordance with the priorities established by the Board of Governors.
- Aligning the System Strategic Plan with legislative and fiscal priorities wherever appropriate.
- Ensuring that new reporting requirements are adequately funded and serving the interests of students, the colleges and the system.

ATTACHMENT 3

Standing Order No. 317. Positions on State Legislation.

The Chancellor is authorized to take positions on pending legislation on behalf of the Board of Governors as set forth in this section.

(a) The Chancellor shall formulate bill positions based on the Board's approved Statement of Legislative Principles.

(b) The Chancellor shall prepare an analysis and seek the advice of the Consultation Council before taking a formal position on a bill, unless a bill (or amendment):

1. Affects agency operations but is not otherwise relevant to system policy;
2. Is similar to a prior bill on which a position has been taken;
3. Is subject to time restraints that make it unfeasible to consult ahead of time with the Consultation Council; or
4. Is consistent with Board policies.

(c) The Chancellor shall inform the Consultation Council and the Board of Governors at the next scheduled meeting of any legislative positions taken that meet the criteria described in section a) and b).

(d) The Chancellor shall report to the Board of Governors as an agenda item and the Consultation Council on any positions taken.

(e) The Chancellor shall provide for regular review and evaluation of this section. The review and evaluation shall be conducted through the Consultation process, and may be incorporated into the periodic evaluation of the Consultation process pursuant to *Standing Order No. 342*. The results and any recommendations from the evaluation shall be reported to the Board.