

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 462

52nd Legislature, 1st Session, 2015

Tracking Number: .199291.1

Short Title: Community College Board Member Employment

Sponsor(s): Senator Nancy Rodriguez and Others

Analyst: Kevin Force

Date: February 26, 2015

Bill Summary:

SB 462 proposes to amend the *Community College Act* to prohibit any employment, for the duration of their term of office, of community college board members by the community college on whose board they sit.

Fiscal Impact:

SB 462 does not contain an appropriation.

Substantive Issues:

According to the American Association of Community Colleges (AACC):¹

- at some colleges, trustees have been elected or appointed to boards primarily to protect the faculty's interest in tenure, shared governance and faculty wages, hours, and working conditions;
- the inclusion of a faculty representative, appointed to represent that faculty, may create a conflict of interest;
- the public interest can never be reduced to the interests of those who work at the college;
- community colleges are created to serve the people of their respective districts, not to serve themselves and their own employees, with such a situation leading to a loss of public confidence in a college board that has more concern for a special constituency than it has for the public welfare; and
- rather than putting students and faculty members on college boards, legislatures would be better advised to insist that boards seek faculty and student input before making key policy decisions.

Examples of states that prohibit such employment include:

- Florida, which bars a public officer or employee of an agency from holding any employment or contractual relationship with an agency that is subject to the regulation of an agency of which he or she is an officer or employee;² and

¹ The American Association of Community Colleges is the primary advocacy organization for the nation's community colleges, representing nearly 1,200 two-year, associate degree-granting institutions and more than 13 million students. Please see, <http://www.aacc.nche.edu/Pages/default.aspx>.

- North Carolina, which bars anyone who had been employed full time by the community college within the prior five years from serving on the board of trustees of that college.³

Finally, the analysis by the Higher Education Department notes that the bill would prohibit students of a community college employed under work-study programs from serving on the college's board.

Committee Referrals:

SEC/SJC

Related Bills:

CSHB 115 *State Ethics Commission Act*

HJR 9 *School Boards of Regents Nomination, CA*

² Please see Section 112.313(7) F.S., at:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.313.html.

³ Please see North Carolina General Statutes Section 115D-12(b)(1), at:

http://www.ncleg.net/EnactedLegislation/Statutes/html/bysection/chapter_115d/gs_115D-12.html.