



# SENATE BILL 692: Community College Governance.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

<b>Committee:</b>	Senate Education/Higher Education.	<b>Date:</b>	April 19, 2023
	favorable, re-refer to Rules and Operations of the Senate		
<b>Introduced by:</b>	Sens. Galey, Johnson, McInnis	<b>Prepared by:</b>	Samantha Yarborough
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** Senate Bill 692 would restructure the governance of the North Carolina Community College System (NCCCS) by doing the following:

- Clarifying the authority of the NCCCS President (President).
- Changing the appointments to the State Board of Community Colleges (SBCC).
- Changing the appointments to the local boards of trustees of community colleges.

**CURRENT LAW:** Chapter 115D of the General Statutes governs the NCCCS. Currently, the President has few explicit powers, which include: (i) recommending Community College System Office (System Office) staff for SBCC approval, (ii) reorganizing the System Office with SBCC approval, (iii) initially approving courses of study for prisoners and inmates, if delegated by the SBCC, (iv) overseeing the the Customized Training Program, (v) supervising the Director of ApprenticeshipNC, (vi) recommending to the SBCC a motorcycle safety coordinator, (vii) and serving on the State Board of Proprietary Schools. The SBCC holds the remainder of the authority over the NCCCS.

G.S. 115D-2.2 establishes the SBCC which consists of 22 members as follows:

- The Lieutenant Governor or his or her designee.
- The Treasurer or his or her designee.
- The Commissioner of Labor or his or her designee.
- 10 members appointed by the Governor – 4 at-large and 6 from the Trustee Association Regions.
- 8 members elected by the General Assembly – 4 by the House of Representatives, 4 by the Senate.
- The person serving as the president of the North Carolina Comprehensive Community College Student Government Association.

G.S. 115D-12 requires each community college to have a local board of trustees. Each board is made up of 13 members as follows:

- 4 trustees elected by the local board of education of the county in which the college is located. If there is more than one local board of education in the college's service area, the trustees must be elected jointly.
- 4 trustees elected by the board of county commissioners of the county in which the college is located. If there is more than one county in the service area, the 4 trustees must be elected jointly. If the college has a satellite campus, the county with the satellite campus may elect an additional 2 trustees with the approval of the board of trustees.
- 4 trustees appointed by the Governor.
- The president of the student government of the community college.

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There are 10 community colleges with exceptions to the number of trustees and appointment or election authority created by G.S. 115D-12: College of the Albemarle, South Piedmont Community College, Stanly Community College, Tri-County Community College, Beaufort County Community College, Central Carolina Community College, Asheville-Buncombe Technical Community College, Isothermal Community College, Cleveland Community College, and Rockingham Community College.

**BILL ANALYSIS:** **Part I** would grant new powers to the President, including the following:

- To be the chief administrative officer with executive control of the System Office.
- To administer all policies, regulations, and standards necessary for the operation of the System Office.
- To reorganize the System Office without prior approval of the SBCC.
- To spend certain funds to maintain and advance the programs and services of the System Office.
- To execute the policies, regulations, and standards concerning the establishment, administration, and operation of institutions.
- To make recommendations to the SBCC on the courses of instruction to be offered at each community college at State expense. No course of instruction could be offered using State funds without SBCC approval.
- To make recommendations to the SBCC on any new program offered by a community college.
- To conduct periodic reviews of each community college.
- To determine whether State support should be withheld from any community college by the SBCC in accordance with statute.
- To review and make recommendations to the SBCC on the approval of each local president of a community college. The SBCC would be required to develop standard contract terms for local presidents. The contract terms would include a provision allowing for the President to dismiss the local president. Each local president would be required to be approved by the SBCC upon the recommendation of the President before serving.
- To review any instance of noncompliance by a local board of trustees and make findings to the SBCC. If the local board needs assistance in remediating noncompliance, an advisory committee is appointed, and the President would be the chair of the advisory committee.
- To take any of the following actions without being subject to judicial review: finding that State support should be withdrawn, recommending approval or denial of a local president, investigating noncompliance of a local board of trustees, investigating a member of a local board of trustees, or investigating and removing a local president. The actions taken by the SBCC as a result of the President's investigation or recommendation would also not be subject to judicial review.
- To investigate a member of a local board of trustees for engaging in conduct for which a member can be removed by statute. The President would report to the SBCC on the findings of the investigation and the SBCC could require the local board of trustees to meet to consider removing the member.
- To dismiss a local president for any cause included in the president's contract.

Part I would make the President subject to the confirmation of the General Assembly. The SBCC would be required to use the following process when electing a President: (i) at least 3 final candidates must be submitted to the full SBCC for consideration and (ii) the full SBCC must vote on the election, with the candidate receiving the most votes elected President. Within 15 days of the election, the SBCC would be required to submit the name of the person elected to the presiding officers of the Senate and the House of Representatives for consideration of confirmation. The General Assembly would adopt a resolution to either (i) confirm or (ii) deny confirmation. The person elected as President would be allowed to serve as

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an interim-President until the General Assembly adopts a resolution. If the General Assembly fails to adopt a joint resolution by the 30th legislative day following the receipt of the name, it would be deemed that the General Assembly denied confirmation. A person denied confirmation would be prohibited from serving as President or interim-President.

Part I would also make additional technical and clarifying changes.

**Part II** would alter the structure of the SBCC. From the effective date of the bill until July 1, 2027, the SBCC would be 21 members as follows:

- The Lieutenant Governor or his or her designee.
- The Treasurer or his or her designee.
- The Commissioner of Labor or his or her designee.
- 18 members elected by the General Assembly.

Beginning July 1, 2027, the SBCC would be 18 members elected by the General Assembly, 9 elected by the House of Representatives and 9 elected by the Senate.

In transitioning to the new makeup of the SBCC, all current members serving as of the effective date of the bill would serve for the remainder of their terms. The number of seats elected by the House of Representatives and Senate would increase to establish a final stagger of 5 members each in 2025 and every four years thereafter, and 4 members each in 2027 and every four years thereafter.

This Part would also require that the SBCC elect a vice chair and meet 8 times per year rather than 10.

**Part III** would alter the structure of local boards of trustees of community colleges to consist of 12 members as follows:

- 8 trustees appointed by the General Assembly, 4 by the House of Representatives and 4 by the Senate.
- 4 trustees elected by the board of county commissioners of the county in which the college is located. If there is more than one county in the service area, the 4 trustees must be elected jointly. If the college has a satellite campus, the county with the satellite campus may elect an additional 2 trustees with the approval of the board of trustees.

In transitioning to the new makeup of the local boards of trustees, all current members serving as of the effective date of the bill would serve for the remainder of their terms. As terms expire or vacancies occur, the seats previously elected by the local board of education or appointed by the Governor would transition to being appointed by the General Assembly.

This Part would repeal the local modifications to the membership of the local boards of trustees that would conflict with the new statutory makeup.

**Part IV** would make a conforming change regarding the recipient of a report in the University statutes.

**EFFECTIVE DATE:** Except as otherwise provided, the bill would become effective when it becomes law.