



# SENATE BILL 692: Community College Governance.

2023-2024 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	May 2, 2023
<b>Introduced by:</b>	Sens. Galey, Johnson, McInnis	<b>Prepared by:</b>	Samantha Yarborough Staff Attorney
<b>Analysis of:</b>	Third Edition		

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

- *Requiring the President of the NCCCS be confirmed by the General Assembly.*
- *Requiring the State Board of Community Colleges (SBCC) to establish mandatory contract terms for all local community college presidents.*
- *Limiting judicial review of certain SBCC actions.*
- *Prohibiting the use of State funds for courses of instruction without SBCC approval.*
- *Changing the appointments to the SBCC.*
- *Changing the appointments to the local boards of trustees of community colleges.*

**CURRENT LAW:** G.S. 115D-3 requires the SBCC to elect a President to serve as the chief administrative officer of the Community Colleges System Office (System Office). G.S. 115D-20 grants each local board of trustees the authority to elect a college president, subject to the approval of the SBCC.

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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Each trustee, other than the student member, must be a resident of a county in the service area of the college or a county contiguous to the service area.

There are 12 community colleges with local modifications to its board of trustees: College of the Albemarle, South Piedmont Community College, Stanly Community College, Wake Technical Community College, Durham Technical 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.

G.S. 115D-13 sets the term of office for each local trustee as 4 years commencing July 1.

**BILL ANALYSIS:** 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:

- At least 3 final candidates must be submitted to the full SBCC for consideration.
- 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 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 II would require the SBCC to develop mandatory contract terms that boards of trustees must use when electing a president of a college. These terms must include the following:

- A term length of between 1 and 4 years.
- A requirement that the contract or renewal is unenforceable without the approval of the SBCC.
- A list of causes for dismissal.
- A prohibition on additional compensation to a president who is dismissed for cause.
- Any other provisions deemed necessary by the SBCC.

The board of trustees would be required to submit the name of the person elected to the SBCC for approval. Any person who has been denied approval by the SBCC cannot serve as president of the college.

Part II would also limit judicial review over the following SBCC actions:

- Withdrawing State support for a college when any of the following are met: (i) required local funds are not provided, (ii) sufficient State funds are unavailable, (iii) the officials of the college refuse or are unable to maintain the standards of the college, or (iv) local educational needs for the college no longer exist.
- Approving or denying a person elected as president or chief administrative officer of an institution under G.S. 115D-6.1.
- Notifying a board of trustees that it is noncompliant with State law or policy and appointing an interim board if such noncompliance continues under G.S. 115D-6.5.
- Initiating removal of any member from a board of trustees who is incapable or refusing to discharge his or her duties or is guilty of immoral or disreputable conduct.

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**Part III** would prohibit the use of State funds for any course of instruction not approved by the SBCC.

**Part IV** 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 chair as follows:

- For the election occurring in 2023, from the Senate-elected members.
- For the election occurring in 2025, from the House-elected members.

The SBCC would also be required to elect a vice chair and meet 8 times per year rather than 10.

Additionally, this Part would make technical and clarifying changes.

**Part V** would alter the structure of boards of trustees of community colleges to be composed 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 main campus of the college is located. 2 trustees each for any board of county commissioners of a county that contributes plant funds to the college. Each county could elect up to one county commissioner as a trustee.
- The president of the student government or chair of the executive board of the student body may be an ex-officio nonvoting member if the board of trustees agrees.

This Part would require that each board of trustees annually submit information about its membership to the Legislative Library.

In transitioning to the new makeup of the 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 boards of trustees that would conflict with the new statutory makeup.

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