

L.C. 1 – The First Step in Untangling the Decision-making Bureaucracy at California’s Community Colleges

On December, 12, 2012, California Competes filed a legal challenge (L.C.1) with the California Community College Board of Governors. In the brief, we call for the Board to repair the broken decision-making system in California’s community colleges by restoring a clear line of leadership and accountability and clarifying roles. The legal challenge, which California Competes is calling L.C. 1, can be found [here](#).

Below are answers to some of our most frequently asked questions.

Frequently Asked Questions

Q. What is the “legal challenge” that is being filed?

A. In 1990, the Board of Governors of the California Community Colleges exceeded its legal authority by forcing locally-elected boards of community colleges to essentially hand full veto power to academic senates. Not only were the regulations illegal, they resulted in confusion about roles and damaged colleges’ ability to serve students and communities effectively. The lack of clarity has also led to posturing and stagnation rather than the leadership and innovation that our state needs.

Our legal challenge, labeled [L.C. 1](#), argues that all of us – students, staff faculty and community members – should have a fair opportunity to provide input into community college policies, and that locally-elected boards of trustees cannot dodge ultimate responsibility for the decision-making that promotes student access and success.

Q. What is wrong with academic senates having a role in decision-making at community colleges?

A. Academic senates should have a significant role in those things at which they are experts, such as matters of curriculum and academic standards. In the end, however, it is the trustees who are held accountable to the public and who can impartially advocate for students. It is the trustees who should therefore have ultimate responsibility on how best to respond to the needs of students, the community and California’s economy.

Q. I thought that the rules just require consultation with faculty. Are the trustees really unable to make some decisions?

A. While AB 1725 (the law passed by the legislature in 1988) called only for consultation, the regulations later adopted by the Board of Governors have granted veto power to the academic senate and [created a tangled bureaucracy](#).

More specifically, on a long list of matters – including budget and planning process, development of programs, and professional development – trustees must either put the academic senate in charge or

secure the senate's agreement in writing. Only in exceptional circumstances can the trustees take an action not specifically endorsed or initiated by the Academic Senate.

Q. Is this a problem in other states or in other California systems?

A. No other college in the country denies its boards of trustees the ability to make the final decisions.

Q. But isn't our current system the result of AB 1725, passed by the legislature in 1988? Are you really talking about undoing that legislation?

A. No, but that is a common misunderstanding. AB 1725 required local boards to *consult* with constituency groups.

But the rules adopted by the statewide Board in 1990 instead gave each local college's academic senate the ability to *prevent or reject* policy changes regardless of the views of all other constituency groups or of the district board of trustees – leading to an ineffective, tangled decision-making structure. The legislature's own lawyer declared that the CCC system's regulations should be invalidated because they exceeded the scope of the bill enacted by the legislature.

Q. If the rules are such a problem, why are there some districts where the CEOs seem to have been able to manage pretty effectively?

A. Some extraordinary leaders have been able to beat the odds, but there are more cases where community colleges are struggling under the weight of this tangled bureaucracy. In fact, 20 out of 27 community colleges under sanction by the college accrediting agency were cited for problems of leadership, decision-making and clarity of roles. If we want higher levels of performance across all of our community colleges, we need to remove the barriers to effective leadership and empower trustees to make the right decisions for our colleges and students.

Q. Isn't the real problem the budget cuts that have affected our community colleges?

A. Budget cuts only underscore the need to ensure that community college leadership can advance policies and programs that best serve the needs of students, communities and California's economy. We must untangle the bureaucratic mess that currently exists so that elected local trustees can make the decisions necessary to effectively manage budgets – in good and bad financial times.

Q. Why would academic senates give up the power they have under the current regulations?

A. It is understandable that they do not want to give up the power, but their veto authority is leading to stagnation and harming our community colleges and our students. Additionally, this veto power is illegal and inappropriate, which is why we are asking the Board of Governors to revise the unlawful regulations and return academic senates to their advisory role.

Q. Don't the regulations give trustees the ability to overrule the academic senate if they really need to?

A. Under the current structure, the District Board has forfeited all decision-making power to the academic senate. District Boards therefore have two very limited options. They can either (1) agree to

follow the recommendation of the academic senate or (2) attempt to reach mutual agreement with the senate. If they choose the first option, the senate’s recommendation—or inaction—must be accepted in all but “exceptional circumstances.” If they choose the second option and the senate disagrees with the District Board’s proposal, no policy change is permitted and the status quo persists.

Q. Is City College of San Francisco the only example of these regulations causing a problem?

A. No, City College is only the most recent example described in public documents. A quarter of California’s community colleges are facing sanctions by the accrediting agency, most of them hobbled by problems in leadership, decision-making and the clarity of roles. Under this structure, innovations are extremely difficult to adopt, and power struggles are common. That is why we must clarify roles and restore accountability.

Q. Will revising the rules allow community college leaders to ignore faculty input?

A. No, AB 1725 requires trustees to involve faculty and academic senates – as well as students, staff, and the community – in informing their decision. The difference is that the process will be more substantive, extensive and constructive—true tests of effective leadership—rather than focused on battles between trustees and faculty senators over who has ultimate authority.

Q. Given that things are looking up for the community colleges is this issue really that important? Why does it matter this action be taken now?

A. Passage of Proposition 30 and AB 1456 (implementing some of the Student Success Task Force recommendations) do offer hope for the state’s community colleges. But the system’s ability to take full advantage of these opportunities will be impaired if local governing boards cannot implement these decisions in ways that benefit students and the community. An improved structure, with clear accountability and clarity of roles, will therefore add to the effectiveness and quality of our community colleges.

Q. Do you really think that this petition will make a difference?

A. We are hopeful that the California Community College Chancellor and Board of Governors will see the need to address the current broken system. We also think that, as we continue to push for these regulatory changes, it will be increasingly important to engage new voices. This is why we are asking for your help. If you support L.C. 1, sign our petition today and make your voice heard!