

TESTIMONY TO THE LITTLE HOOVER COMMISSION

by William Pickens

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Mr. Chairman and Members of the Commission:

My name is Bill Pickens, and I appreciate the opportunity to offer some thoughts on the California Community Colleges. While I no longer have official responsibilities to represent any agency or college, I have spent much of my career observing, working with, and caring deeply about, this segment of higher education.

There can be no doubt California's future would be grim without an effective and robust set of community colleges, which can fulfill their role under California's Master Plan for Higher Education. The fact that this Commission has chosen to study these colleges recognizes this fact. It is also critical to address those challenges facing them now. What follows are my comments in response to the questions raised in the letter about this hearing.

With four separate missions laid out for the community college system in the Master Plan for Higher Education, as a state, are we asking too much from our community colleges?

Under the current fiscal situation, the answer is "yes" if the Colleges are to be held accountable for fulfilling the entire range of responsibilities. The Community Colleges have the broadest mission among the public higher education segments, and appropriately so. Their official charge is to offer transfer courses that lead to four-year institutions and baccalaureate degrees, vocational and career-oriented programs, remedial education designed to bring students up to the postsecondary level, non-credit education in specific areas of priority to the state, and to promote "economic development" through a wide variety of other activities. Most of the colleges are committed to serving social needs often considered beyond the role of more traditional institutions of higher education.

A crucial element in shaping the way their “mission” is conceived, often more important than the formal statements, is the fact that the Community Colleges are “open door” institutions: by law, they must admit any California resident over 18 years old and capable of profiting from instruction. Therefore, they provide courses and programs that are much more diverse than those in the four-year segments.

In practice, the fiscal stringency over the last decade, and especially during the last three years, has forced the colleges to pull back in many areas of their general mission and to substantially reduce the range of courses and activities. For example, the Chancellor’s Office calculates that the number of courses was cut by 6.3% in the fall term of 2009, though total enrollment declined by only 0.2%. Even so, the Chancellor’s office estimates that 140,000 students would have enrolled if there had been no reduction in courses since these cuts hurt recent high school graduates and displaced workers returning to college. The colleges were encouraged to retain courses that lead to degrees or transfer, job retraining, vocationally-oriented credentials, and those that increase math and English skills.

Are there some functions that are more important for community colleges to fulfill than others and, if so, what are they?

The highest priorities should be placed on transfer courses, vocational courses for entry-level skills, job-retraining, and language and living skills. In the past, the Community Colleges have had a strong record of providing social mobility, economic opportunity, a “second chance,” and first-rate education in many areas. It remains vitally important for these colleges to serve community needs, but they have sometimes promoted – or at least not resisted – a broad and ill-defined role which seemed to downplay the basic purposes of an *educational* institution. In the past, sometimes championing initial “access” took precedence over carefully planning for a focus on well educated students who have achieved their objectives. Current fiscal realities and the need to make difficult choices suggest that must change.

Has the governance structure of the community college system divided between the Chancellor's Office and Board of Governors, the districts' boards of trustees and individual college presidents and CEOs, been able to evolve sufficiently to meet the system's evolving missions?

I do not believe the current governance structure has evolved sufficiently. During the late 1990s, I had the privilege of investigating this issue on behalf of a group of twenty-five prominent Californians, organized as the Citizens Commission on Higher Education. Their goals were to improve the policy framework, structure, and financing of our state's colleges and universities.

The following observations, conclusions and recommendations were adopted by that group, and were discussed extensively in California at the time. While many things have changed since that study, the governance and structural tensions for the Community Colleges remain much the same today. I will highlight those issues that seem most relevant.

The Citizens Commission found that the Community Colleges "are entangled in restrictions and inefficiencies that dissipate their energies." The Commission's recommendations were:

...designed to recognize the reality that Proposition 13 created a system of *state* finance for the Community Colleges and that the colleges should devote more of their resources to serving students and less to institutional and regulatory wheel spinning. ...Californians would be better served if community colleges were thoroughly collegiate institutions with a prominence equal to that of the other higher education segments.

The governance system was problematic because the decision-making and accountability structures often operated at cross purposes, as shown in the following table.

**The California Community Colleges:
Torn Between Contradictory Forces**

Forces on One Side	Forces on the Other Side
The need to be an equal partner in statewide higher education.	A governance structure which is not collegiate but similar to secondary schools, with geographical districts and elected boards of trustees.
A rigid, state-determined finance system with limited ability to raise monies locally.	Trustees can sign contracts and make commitments without the realistic ability to fund them or the means to raise the money.
State-established student fees.	Trustees are charged with creating programs and educational services, which are tailored to their constituents, but have no ability to determine the charges for them.
A State requirement that students may attend any college, not just those within their geographic district.	Trustees are elected only by voters within their districts and are responsible only for colleges within district boundaries. Many students, especially in urban areas, live "out of district" and cannot vote for the trustees who govern their college.
The state's <i>Education Code</i> imposes a mass of provisions, often with expensive activities, complicated restrictions and inappropriate controls on local institutions.	Colleges need to be flexible, diverse, responsive, un-bureaucratic, and productive.
The Statewide Chancellor has statutory responsibility to represent the colleges statewide and general responsibility for their financial viability, but is often only one among many official voices.	District administrators are selected by local trustees and have allegiance and accountability to the district. Many representatives and groups compete for statewide prominence as the leader and voice for the colleges.

What are the benefits and consequences of maintaining a tiered governance structure to oversee and administer the state's community colleges? Would it make sense to reduce some of the layers, and if so, how?

The major benefit of maintaining the current governance structure is that the colleges could avoid governance changes at the same time they face serious budget cutbacks. The consequences will be to continue many of the stressful contradictions listed above and the frustrations at all levels of a system of colleges operating within a K-12 structure.

In terms of addressing the “tiers,” the Citizens Commission recommended that the Community Colleges be changed from the three-level “system” consisting of the statewide chancellor’s office and Board of Governors, regional districts governed by elected trustees, and individual colleges, to a two-level system consisting of a statewide Chancellor’s Office and Board of Trustees, and individual campuses with Governance Councils.

The Commission recommended that elected district boards of trustees should be replaced by Governance Councils for each college. Those appointed to each Council should represent the geographic community around the college, the statewide board, and the campus constituencies – the three groups with the most stake in the college.

Specifically, the Councils would consist of:

- a. Nine members appointed by locally elected officials;
- b. Four members appointed by the statewide Board of Trustees;
- c. Four members appointed by campus constituencies (administration, faculty, staff, and students).

Each Governance Council should have representatives from the most important external constituencies of the Community College (business, labor, secondary schools, four-year colleges, and the non-profit sector). The Council’s membership should be broadly representative of the community’s demographic diversity. Council members should serve without monetary compensation.

In terms of responsibilities, the statewide Board of Trustees would establish and maintain California-wide standards for programs of statewide importance (e.g., academic transfer to four-year universities, appropriate student services, etc.). Each

individual campus would be the prime focus of curricular decision-making and budget preparation.

The financial resources and contractual commitments of the Community Colleges should reflect the dual state-local nature of responsibility for their governance. In addition to support from the state's general fund under Proposition 98, the Commission recommended that each college should continue to receive property tax revenues based on its present proportion of total property taxes in the county where the college was located. Each college should also be authorized to seek the approval of a majority of voters in cities, counties, or a special college district to support capital facilities or the operations of the college through local taxes. A statewide student fee would be set by the Board of Trustees, but the colleges should be allowed authority to collect other charges with a set maximum.

Collective bargaining is a crucial element in the resource decisions and activities of community colleges, and is presently conducted exclusively by each district. For congruence with the state-local sharing of responsibility, the Commission recommended that the statewide Board of Trustees be authorized to adopt general standards for contracts at each college and be provided with the authority to reject contracts that do not fit within those standards.

Finally, the Commission recommended major changes in the *Education Code* with reference to the Community Colleges. An examination of the *Code* reveals that many provisions have few if any benefits to students but still require substantial expenditures of energy and resources. Many are the product of special interest lobbying or represent restrictions adopted before the State's collective bargaining law went into full effect. Examples include requirements concerning compensation for contract faculty (section 78022), days for leaves of absence and vacation accrual for classified employees (88191 and 88197), substitute holidays for "Admission Day" (88205.5), police department uniforms and badges (72331), and so on. The Commission recommended that the bulk of provisions in the *Education Code* should be removed and replaced by a statutory framework that would define the general structure, expectations, protections, and accountability for the colleges, with details and implementation left to the Board of Trustees, the campuses, and the collective bargaining process.

The Citizens Commission recognized that its recommendations represented a major change in Community College governance and structure, and – of course – these

prompted an extensive debate statewide. Following several months of forums and comments, the Commission stayed with its original recommendations but observed:

At the very least, the state should change the *district* approach to governance and administration, augment the membership on existing boards of trustees with some appointed members, and ensure that the statewide board and chancellor's office have greater responsibility and authority over general financial planning and maintaining higher standards for all colleges.

While the Citizens Commission concentrated on the structural problems of the colleges, we were impressed by the many positive aspects of their service. This included many examples of effective and innovative programs, and the large numbers of faculty and administrators who brought energy and imagination to the educational enterprise. As mentioned earlier, a particular strength was their commitment to serving the social needs for the people who enrolled, especially for those from groups historically under-represented in higher education.

The Commission also observed that "many trustees perform great public service as the legal and fiduciary custodians of their districts," even though they often had to react to resource changes dictated by others. The Commission concluded that "many Community Colleges deliver a quality and student-centered product, despite an organizational structure more often a hindrance than a help."

Conclusion

Since the Commission's observations, the Community Colleges have experienced a decade of "roller coaster" changes in their fiscal condition, and they now face a level of resources per student well below that needed for a quality educational product to accomplish their current mission. I believe that the recommendations of the Citizens Commission are especially important to consider during a time of severely limited state resources.