

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2190

Introduced by Assembly Member John A. Pérez

February 23, 2012

An act to add Chapter 7.5 (commencing with Section 66550) to, and to repeal Chapter 11 (commencing with Section 66900) of, Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2190, as amended, John A. Pérez. Postsecondary education: ~~oversight and coordination commission~~. *California Higher Education Authority.*

Existing law establishes the system of postsecondary education in this state, consisting of 4 segments: the University of California, the California State University, the California Community Colleges, and independent institutions of higher education, as defined. Existing law establishes the California Postsecondary Education Commission (CPEC) to be responsible for coordinating public, independent, and private postsecondary education in this state and to provide independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues. The Budget Act of 2011 has deleted funding and personnel from CPEC.

This bill would ~~express the intent of the Legislature to enact legislation to create a postsecondary education oversight and coordinating commission to accomplish prescribed goals relating to the goals and operations of the postsecondary education segments~~ *establish the California Higher Education Authority, under the administration of a*

13-member board of directors. The bill would specify the appointing authorities and the length of the terms of the members of the board of directors. The bill would also set forth the extensive responsibilities of the authority relating to public and private postsecondary education in this state.

Among other duties, the authority would be responsible for developing, presenting, and monitoring postsecondary education goals for the state, including, but not necessarily limited to, monitoring and reporting on the progress of the postsecondary segments toward their long-term goals; measuring, and reporting about, how efficiently and effectively the postsecondary segments are serving the state's needs; making recommendations about how to improve the performance of the postsecondary segments; developing and recommending strategic finance policy to the Governor and the Legislature on topics including, but not necessarily limited to, the allocation of state appropriations among the postsecondary education segments, student fee policy, and student financial aid; developing and presenting basic policy parameters for capacity development or realignment, including, but not necessarily limited to, expansion or realignment of enrollment capacity among or within the postsecondary education segments, to meet the state's higher education goals; reviewing, and making recommendations to the Governor and the Legislature relating to, major capacity decisions, such as changes in mission or the establishment of new campuses or centers, that are to be financed with state appropriations or state-approved student fees; and acting as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies, and succeeding to certain data management responsibilities of CPEC by developing and maintaining a comprehensive database in accordance with prescribed criteria.

The bill would delete the provisions establishing and providing for the duties of CPEC.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 7.5 (commencing with Section 66550)
- 2 is added to Part 40 of Division 5 of Title 3 of the Education Code,
- 3 to read:

1 *CHAPTER 7.5. CALIFORNIA HIGHER EDUCATION AUTHORITY*

2
3 66550. (a) *The California Higher Education Authority is*
4 *hereby established. The authority shall be governed by a*
5 *13-member board of directors, who shall be appointed in*
6 *accordance with the following:*

7 (1) (A) *Nine representatives of the general public appointed*
8 *as follows:*

9 (i) *Three members appointed by the Governor subject to*
10 *confirmation by a majority of the membership of the Senate.*

11 (ii) *Three members appointed by the Speaker of the Assembly.*

12 (iii) *Three members appointed by the Senate Committee on*
13 *Rules.*

14 (B) *The members initially appointed to the board of directors*
15 *under this paragraph shall serve staggered terms. Each of the*
16 *appointing entities in subparagraph (A) shall use one of their three*
17 *appointments to appoint a member for a two-year term*
18 *commencing on July 1, 2013, and ending on June 30, 2015, one*
19 *of their appointments to appoint a member for a four-year term*
20 *commencing on July 1, 2013, and ending on June 30, 2017, and*
21 *one of their appointments to appoint a member for a six-year term*
22 *commencing on July 1, 2013, and ending on June 30, 2019. After*
23 *the terms specified in this subparagraph have ended, all subsequent*
24 *appointments to the authority under this paragraph shall be for*
25 *six-year terms.*

26 (C) *A member appointed to the board of directors under this*
27 *paragraph may be reappointed for an additional term or terms.*

28 (D) *No member appointed to the board of directors under this*
29 *paragraph may be an employee of a postsecondary institution in*
30 *this state or hold an official position, such as trustee or regent,*
31 *with a postsecondary institution in this state.*

32 (2) (A) *Four representatives of the students of the postsecondary*
33 *education segments appointed for one-year terms, commencing*
34 *on July 1, 2013, as follows:*

35 (i) *One student of a campus of the California Community*
36 *Colleges, who shall have at least second year standing at that*
37 *campus, selected by the Governor from lists of names of at least*
38 *two, but not more than five, persons furnished by the governing*
39 *board of any statewide student organization that represents the*
40 *students of the California Community Colleges and the student*

1 *body organizations of the campuses of the California Community*
2 *Colleges.*

3 *(ii) One student of a campus of the California State University,*
4 *who shall have at least junior year standing at that campus,*
5 *selected by the Governor from lists of names of at least two, but*
6 *not more than five, persons furnished by the governing board of*
7 *any statewide student organization that represents the students of*
8 *the California State University and the student body organizations*
9 *of the campuses of the California State University.*

10 *(iii) One student of a campus of the University of California,*
11 *who shall have at least junior year standing at that campus,*
12 *selected by the Governor from lists of names of at least two, but*
13 *not more than five, persons furnished by the governing board of*
14 *any statewide student organization that represents the students of*
15 *the University of California and the student body organizations*
16 *of the campuses of the University of California.*

17 *(iv) One student of a member institution of the Association of*
18 *Independent California Colleges and Universities, selected by the*
19 *Governor from lists of names of at least two, but not more than*
20 *five, persons furnished by the chief executive officer of the*
21 *Association of Independent California Colleges and Universities.*

22 *(B) A member appointed to the board of directors under this*
23 *paragraph may be reappointed for an additional term, as long as*
24 *he or she remains a student enrolled at a campus of the*
25 *postsecondary education segment that he or she represents.*

26 *(b) Each of the 13 members of the board of directors shall be*
27 *a voting member. The members of the board of directors shall elect*
28 *a chairperson from their membership.*

29 *(c) It is the intent of the Legislature that the appointment process*
30 *of the first members of the board of directors be completed before*
31 *July 1, 2013, so that the first meeting of the board of directors may*
32 *be convened as soon as possible after the terms of the initial*
33 *members commence on July 1, 2013.*

34 *(d) Each member of the board of directors shall receive actual*
35 *and necessary travel expenses and one hundred dollars (\$100) for*
36 *each day he or she is attending to the official business of the*
37 *authority.*

38 *66551. (a) The board of directors shall be authorized to enter*
39 *into agreements with any public or private agency, officer, person,*
40 *institution, corporation, association, or foundation for the*

1 *performance of acts or for the furnishing of services, facilities,*
2 *materials, goods, supplies, or equipment.*

3 *(b) The authority shall have all of the following responsibilities:*

4 *(1) Developing, presenting, and monitoring postsecondary*
5 *education goals for the state, including, but not necessarily limited*
6 *to, monitoring and reporting on the progress of the postsecondary*
7 *segments toward their long-term goals.*

8 *(2) Measuring, and reporting about, how efficiently and*
9 *effectively the postsecondary education segments are serving the*
10 *state's needs.*

11 *(3) Making recommendations about how to improve the*
12 *performance of the postsecondary education segments.*

13 *(4) Pursuing an integrated approach to the state's overall*
14 *postsecondary education policy by including private postsecondary*
15 *education within its jurisdiction.*

16 *(5) Exercising an oversight and advisory role in postsecondary*
17 *education capital outlay decisions.*

18 *(6) Developing information in order to assist state and local*
19 *policymakers and consumers in making cost-effective investments*
20 *in postsecondary education and training to meet the long-term*
21 *goal of a strong state economy and vibrant communities.*

22 *(7) Developing and recommending strategic finance policy to*
23 *the Governor and the Legislature on topics including, but not*
24 *necessarily limited to, the allocation of state appropriations among*
25 *the postsecondary education segments, student fee policy, and*
26 *student financial aid.*

27 *(8) Developing and presenting basic policy parameters for*
28 *capacity development or realignment, including, but not necessarily*
29 *limited to, expansion or realignment of enrollment capacity among*
30 *or within the postsecondary education segments, to meet the state's*
31 *higher education goals.*

32 *(9) Reviewing, and making recommendations to the Governor*
33 *and the Legislature relating to, major capacity decisions, such as*
34 *changes in mission or the establishment of new campuses or*
35 *centers, that are to be financed with state appropriations or*
36 *state-approved student fees.*

37 *(10) (A) Acting as a clearinghouse for postsecondary education*
38 *information and as a primary source of information for the*
39 *Legislature, the Governor, and other agencies, and developing*

1 *and maintaining a comprehensive database that does all of the*
 2 *following:*

- 3 (i) *Ensures comparability of data from diverse sources.*
- 4 (ii) *Supports longitudinal studies of individual students as they*
 5 *progress through the state’s postsecondary educational institutions,*
 6 *based upon the authority’s existing student database through the*
 7 *use of a unique student identifier.*
- 8 (iii) *Is compatible with the California School Information System*
 9 *and the student information systems developed and maintained by*
 10 *the public segments of higher education, as appropriate.*
- 11 (iv) *Provides Internet access to data, as appropriate, to the*
 12 *sectors of higher education.*
- 13 (v) *Provides each of the postsecondary educational segments*
 14 *access to the data made available to the authority for purposes of*
 15 *the database, in order to support, most efficiently and effectively,*
 16 *statewide, segmental, and individual campus educational research*
 17 *information needs.*

18 (B) *The authority, in implementing paragraph (1), shall comply*
 19 *with the federal Family Educational Rights and Privacy Act of*
 20 *1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of personally*
 21 *identifiable information concerning students.*

22 (C) *The authority may not make available any personally*
 23 *identifiable information received from a postsecondary educational*
 24 *institution concerning students for any regulatory purpose unless*
 25 *the institution has authorized the authority to provide that*
 26 *information on behalf of the institution.*

27 (D) *The authority shall provide 30-day notification to the*
 28 *chairpersons of the appropriate legislative policy and budget*
 29 *committees of the Legislature, to the Director of Finance, and to*
 30 *the Governor before making any significant changes to the student*
 31 *information contained in the database.*

32 66552. *The board of directors shall appoint an executive officer*
 33 *of the authority, who shall serve at the pleasure of the board of*
 34 *directors. The executive officer shall be authorized to appoint*
 35 *additional staff of the authority as necessary.*

36 66553. *Notwithstanding any other law:*

- 37 (a) *On and after July 1, 2013, the authority shall succeed to the*
 38 *data management responsibilities granted to the former California*
 39 *Postsecondary Education Commission pursuant to subdivision*
 40 *(m) of former Section 66903 as it existed on December 31, 2012,*

1 *and as currently set forth in paragraph (10) of subdivision (b) of*
2 *Section 66551. The authority may disclose, or dispose of, data it*
3 *receives or maintains under this section only as specifically*
4 *authorized to do so in paragraph (10) of subdivision (b) of Section*
5 *66551.*

6 *(b) The authority is authorized to require the governing boards*
7 *and the institutions of public postsecondary education to submit*
8 *data on plans and programs, costs, selection and retention of*
9 *students, enrollments, plant capacities, and other matters pertinent*
10 *to effective planning, policy development, and articulation and*
11 *coordination, and shall furnish information concerning these*
12 *matters to the Governor and to the Legislature as requested by*
13 *them.*

14 *SEC. 2. Chapter 11 (commencing with Section 66900) of Part*
15 *40 of Division 5 of Title 3 of the Education Code is repealed.*

16 ~~SECTION 1. It is the intent of the Legislature to enact~~
17 ~~legislation to create a postsecondary education oversight and~~
18 ~~coordinating commission to accomplish goals that include, but are~~
19 ~~not necessarily limited to, all of the following:~~

20 ~~(a) Developing and monitoring postsecondary education goals~~
21 ~~for the state.~~

22 ~~(b) Measuring, and reporting about, how efficiently and~~
23 ~~effectively the postsecondary segments are serving the state's~~
24 ~~needs.~~

25 ~~(c) Making recommendations as to how to improve the~~
26 ~~performance of the postsecondary segments.~~

27 ~~(d) Pursuing an integrated approach to the state's overall~~
28 ~~postsecondary education policy by including private postsecondary~~
29 ~~education within its jurisdiction.~~

30 ~~(e) Exercising an oversight and advisory role in postsecondary~~
31 ~~education capital outlay decisions.~~