

ASSEMBLY BILL

No. 1306

Introduced by Assembly Member Wilk

February 22, 2013

An act to amend Sections 66010 and 66010.4 of, and to add Division 9.3 (commencing with Section 92980) to Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1306, as introduced, Wilk. Public postsecondary education: New University of California.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

This bill would establish The New University of California as a 4th segment of public postsecondary education in this state. The bill would establish an 11-member Board of Trustees of The New University of California as the governing body of the university, and specify the membership and appointing authority for the board of trustees. The bill would specify the mission and goal of the university. The bill would provide for the appointment of a Chancellor of The New University of California as the chief executive officer of the university.

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

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

1 SECTION 1. Section 66010 of the Education Code is amended
2 to read:

3 66010. (a) Public higher education consists of (1) the
4 California Community Colleges, (2) the California State University,
5 and each campus, branch, and function thereof, ~~and~~ (3) each
6 campus, branch, and function of the University of California, *and*
7 (4) *The New University of California*.

8 (b) As used in this part, “independent institutions of higher
9 education” are those nonpublic higher education institutions that
10 grant undergraduate degrees, graduate degrees, or both, and that
11 are formed as nonprofit corporations in this state and are accredited
12 by an agency recognized by the United States Department of
13 Education.

14 (c) No provision of this part is intended to regulate, subsidize,
15 or intrude upon private education, including, but not limited to,
16 independent educational institutions and religious schools, nor to
17 vary existing state law or state constitutional provisions relating
18 to private education.

19 SEC. 2. Section 66010.4 of the Education Code is amended to
20 read:

21 66010.4. The missions and functions of California’s public
22 and independent segments, and their respective institutions of
23 higher education shall be differentiated as follows:

24 (a) (1) The California Community Colleges shall, as a primary
25 mission, offer academic and vocational instruction at the lower
26 division level for both younger and older students, including those
27 persons returning to school. Public community colleges shall offer
28 instruction through but not beyond the second year of college.
29 These institutions may grant the associate in arts and the associate
30 in science degree.

31 (2) In addition to the primary mission of academic and
32 vocational instruction, the community colleges shall offer
33 instruction and courses to achieve all of the following:

34 (A) The provision of remedial instruction for those in need of
35 it and, in conjunction with the school districts, instruction in
36 English as a second language, adult noncredit instruction, and
37 support services which help students succeed at the postsecondary

1 level are reaffirmed and supported as essential and important
2 functions of the community colleges.

3 (B) The provision of adult noncredit education curricula in areas
4 defined as being in the state’s interest is an essential and important
5 function of the community colleges.

6 (C) The provision of community services courses and programs
7 is an authorized function of the community colleges so long as
8 their provision is compatible with an institution’s ability to meet
9 its obligations in its primary missions.

10 (3) A primary mission of the California Community Colleges
11 is to advance California’s economic growth and global
12 competitiveness through education, training, and services that
13 contribute to continuous work force improvement.

14 (4) The community colleges may conduct to the extent that state
15 funding is provided, institutional research concerning student
16 learning and retention as is needed to facilitate their educational
17 missions.

18 (b) The California State University shall offer undergraduate
19 and graduate instruction through the master’s degree in the liberal
20 arts and sciences and professional education, including teacher
21 education. Presently established two-year programs in agriculture
22 are authorized, but other two-year programs shall be permitted
23 only when mutually agreed upon by the Trustees of the California
24 State University and the Board of Governors of the California
25 Community Colleges. The doctoral degree may be awarded jointly
26 with the University of California, as provided in subdivision (c)
27 and pursuant to Section 66904. The doctoral degree may also be
28 awarded jointly with one or more independent institutions of higher
29 education, provided that the proposed doctoral program is approved
30 by the California Postsecondary Education Commission. Research,
31 scholarship, and creative activity in support of its undergraduate
32 and graduate instructional mission is authorized in the California
33 State University and shall be supported by the state. The primary
34 mission of the California State University is undergraduate and
35 graduate instruction through the master’s degree.

36 (c) The University of California may provide undergraduate
37 and graduate instruction in the liberal arts and sciences and in the
38 professions, including the teaching professions. It shall have
39 exclusive jurisdiction in public higher education over instruction
40 in the profession of law and over graduate instruction in the

1 professions of medicine, dentistry, and veterinary medicine. It has
2 the sole authority in public higher education to award the doctoral
3 degree in all fields of learning, except that it may agree with the
4 California State University to award joint doctoral degrees in
5 selected fields. The University of California shall be the primary
6 state-supported academic agency for research.

7 *(d) (1) The New University of California shall provide no*
8 *instruction, but shall issue college credit and baccalaureate and*
9 *associate degrees to any person capable of passing examinations.*

10 *(2) The New University of California is authorized to contract*
11 *with qualified entities for the formulation of peer-reviewed course*
12 *examinations the passage of which would demonstrate that the*
13 *student has the knowledge and skill necessary to receive college*
14 *credit for that course.*

15 ~~(e)~~

16 *(e) The independent institutions of higher education shall*
17 *provide undergraduate and graduate instruction and research in*
18 *accordance with their respective missions.*

19 SEC. 3. Division 9.3 (commencing with Section 92980) is
20 added to Title 3 of the Education Code, to read:

21

22 DIVISION 9.3. THE NEW UNIVERSITY OF CALIFORNIA

23

24 92980. (a) The New University of California is hereby
25 established under the administration of the Board of Trustees of
26 The New University of California. The New University of
27 California shall provide no instruction, and the mission of the
28 university shall be limited to issuing college credit and
29 baccalaureate and associate degrees to any person capable of
30 passing the examinations administered by the university. The goal
31 of the university is for its students to obtain the requisite knowledge
32 and skills to pass the examinations administered by the university
33 from any source, such as massive open online courses, the student
34 deems appropriate. When the student feels that he or she is ready
35 to take an examination, the student shall pay the examination fee,
36 present acceptable identification at the examination, and, upon
37 passage of the examination, receive academic credit. When a
38 student receives sufficient academic credit in prescribed courses,
39 the university shall issue an appropriate degree to that student.

1 (b) The university is authorized to contract with qualified entities
2 for the formulation of peer-reviewed course examinations the
3 passage of which would demonstrate that the student has the
4 knowledge and skill necessary to receive college credit for that
5 course.

6 (c) The university is authorized to charge students a fee for the
7 taking of examinations administered by the university. Fees
8 charged under this subdivision shall not exceed the amount that is
9 necessary for the university to recover the costs of administering
10 the examination.

11 (d) The university is eligible to apply for accreditation to the
12 Western Association of Schools and Colleges, or a successor body,
13 or any other appropriate accrediting entity.

14 (e) The board of trustees shall authorize the chancellor to grant
15 baccalaureate and associate degrees in fields of study they deem
16 appropriate. In selecting the fields in which degrees are to be
17 awarded by the university, the board of trustees shall consult the
18 labor needs forecasts issued by the Employment Development
19 Department.

20 92981. (a) The New University of California shall be
21 administered by the Board of Trustees of The New University of
22 California, which is hereby established. The board of trustees shall
23 include 11 voting members, as follows:

24 (1) Five ex officio members: the Governor, the Lieutenant
25 Governor, the Superintendent of Public Instruction, and the Speaker
26 of the Assembly, or their designees; and the person named by the
27 board of trustees to serve as the Chancellor of The New University
28 of California.

29 (2) Six members of the public appointed by the Governor and
30 subject to confirmation by a majority of the membership of the
31 Senate.

32 (3) The terms of two of the members of the public appointed
33 under this paragraph shall commence on July 1, 2014, and
34 terminate on July 1, 2016. The terms of two of the members of the
35 public appointed under this paragraph shall commence on July 1,
36 2014, and terminate on July 1, 2018. The terms of two of the
37 members appointed under this paragraph shall commence on July
38 1, 2014, and terminate on July 1, 2020. Thereafter, the terms of
39 all of the members of the public appointed under this subdivision
40 shall be six years.

1 (b) Members of the board of trustees shall receive no salary for
2 their service, but shall be reimbursed for the expenses they incur
3 while carrying out their duties.

4 (c) All meetings of the board of trustees shall be subject to the
5 Bagley-Keene Act (Article 9 (commencing with Section 11120)
6 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
7 Code).

8 92982. The Chancellor of The New University of California
9 shall be the chief executive officer of the university. The chancellor
10 shall be appointed by, and serve at the pleasure of, the board of
11 trustees. The chancellor shall be authorized to employ and fix the
12 salaries of, employees to assist him or her in carrying out the
13 functions of the university.