

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1348

Introduced by Assembly Member John A. Pérez

February 22, 2013

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 1348, as amended, John A. Pérez. Postsecondary education: 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 deleted funding and personnel from CPEC.

This bill would repeal the provisions establishing and providing for the duties of CPEC, and *commencing July 1, 2014*, would 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 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.

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.~~
- 2 SECTION 1. Chapter 7.5 (commencing with Section 66550)
- 3 is added to Part 40 of Division 5 of Title 3 of the Education Code,
- 4 to read:
- 5
- 6 CHAPTER 7.5. CALIFORNIA HIGHER EDUCATION AUTHORITY
- 7
- 8 66550. (a) The California Higher Education Authority is
- 9 hereby established. The authority shall be governed by a

1 13-member board of directors, who shall be appointed in
2 accordance with the following:

3 (1) (A) Nine representatives of the general public appointed as
4 follows:

5 (i) Three members appointed by the Governor subject to
6 confirmation by a majority of the membership of the Senate.

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

8 (iii) Three members appointed by the Senate Committee on
9 Rules.

10 (B) The members initially appointed to the board of directors
11 under this paragraph shall serve staggered terms. Each of the
12 appointing entities in subparagraph (A) shall use one of their three
13 appointments to appoint a member for a two-year term
14 commencing on July 1, 2014, and ending on June 30, 2016, one
15 of their appointments to appoint a member for a four-year term
16 commencing on July 1, 2014, and ending on June 30, 2018, and
17 one of their appointments to appoint a member for a six-year term
18 commencing on July 1, 2014, and ending on June 30, 2020. After
19 the terms specified in this subparagraph have ended, all subsequent
20 appointments to the authority under this paragraph shall be for
21 six-year terms.

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

24 (D) No member appointed to the board of directors under this
25 paragraph may be an employee of a postsecondary institution in
26 this state or hold an official position, such as trustee or regent, with
27 a postsecondary institution in this state.

28 (2) (A) Four representatives of the students of the postsecondary
29 education segments appointed for one-year terms, commencing
30 on July 1, 2014, as follows:

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

39 (ii) One student of a campus of the California State University,
40 who shall have at least junior year standing at that campus, selected

1 by the Governor from lists of names of at least two, but not more
2 than five, persons furnished by the governing board of any
3 statewide student organization that represents the students of the
4 California State University and the student body organizations of
5 the campuses of the California State University.

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

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

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

22 (b) Each of the 13 members of the board of directors shall be a
23 voting member. The members of the board of directors shall elect
24 a chairperson from their membership.

25 (c) It is the intent of the Legislature that the appointment process
26 of the first members of the board of directors be completed before
27 July 1, 2014, so that the first meeting of the board of directors may
28 be convened as soon as possible after the terms of the initial
29 members commence on July 1, 2014.

30 (d) Each member of the board of directors shall receive actual
31 and necessary travel expenses and one hundred dollars (\$100) for
32 each day he or she is attending to the official business of the
33 authority.

34 66551. (a) The board of directors shall be authorized to enter
35 into agreements with any public or private agency, officer, person,
36 institution, corporation, association, or foundation for the
37 performance of acts or for the furnishing of services, facilities,
38 materials, goods, supplies, or equipment.

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

- 1 (1) Developing, presenting, and monitoring postsecondary
2 education goals for the state, including, but not necessarily limited
3 to, monitoring and reporting on the progress of the postsecondary
4 segments toward their long-term goals.
- 5 (2) Measuring, and reporting about, how efficiently and
6 effectively the postsecondary education segments are serving the
7 state's needs.
- 8 (3) Making recommendations about how to improve the
9 performance of the postsecondary education segments.
- 10 (4) Pursuing an integrated approach to the state's overall
11 postsecondary education policy by including private postsecondary
12 education within its jurisdiction.
- 13 (5) Exercising an oversight and advisory role in postsecondary
14 education capital outlay decisions.
- 15 (6) Developing information in order to assist state and local
16 policymakers and consumers in making cost-effective investments
17 in postsecondary education and training to meet the long-term goal
18 of a strong state economy and vibrant communities.
- 19 (7) Developing and recommending strategic finance policy to
20 the Governor and the Legislature on topics including, but not
21 necessarily limited to, the allocation of state appropriations among
22 the postsecondary education segments, student fee policy, and
23 student financial aid.
- 24 (8) Developing and presenting basic policy parameters for
25 capacity development or realignment, including, but not necessarily
26 limited to, expansion or realignment of enrollment capacity among
27 or within the postsecondary education segments, to meet the state's
28 higher education goals.
- 29 (9) Reviewing, and making recommendations to the Governor
30 and the Legislature relating to, major capacity decisions, such as
31 changes in mission or the establishment of new campuses or
32 centers, that are to be financed with state appropriations or
33 state-approved student fees.
- 34 (10) (A) Acting as a clearinghouse for postsecondary education
35 information and as a primary source of information for the
36 Legislature, the Governor, and other agencies, and developing and
37 maintaining a comprehensive database that does all of the
38 following:
 - 39 (i) Ensures comparability of data from diverse sources.

1 (ii) Supports longitudinal studies of individual students as they
2 progress through the state's postsecondary educational institutions,
3 based upon the authority's existing student database through the
4 use of a unique student identifier.

5 (iii) Is compatible with the California School Information
6 System and the student information systems developed and
7 maintained by the public segments of higher education, as
8 appropriate.

9 (iv) Provides Internet access to data, as appropriate, to the
10 sectors of higher education.

11 (v) Provides each of the postsecondary educational segments
12 access to the data made available to the authority for purposes of
13 the database, in order to support, most efficiently and effectively,
14 statewide, segmental, and individual campus educational research
15 information needs.

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

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

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

30 66552. The board of directors shall appoint an executive officer
31 of the authority, who shall serve at the pleasure of the board of
32 directors. The executive officer shall be authorized to appoint
33 additional staff of the authority as necessary.

34 66553. Notwithstanding any other law:

35 (a) On and after July 1, 2014, the authority shall succeed to the
36 data management responsibilities granted to the former California
37 Postsecondary Education Commission pursuant to subdivision (m)
38 of former Section 66903 as it existed on December 31, 2013, and
39 as currently set forth in paragraph (10) of subdivision (b) of Section
40 66551. The authority may disclose, or dispose of, data it receives

1 or maintains under this section only as specifically authorized to
2 do so in paragraph (10) of subdivision (b) of Section 66551.

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

11 *66554. This chapter shall become operative on July 1, 2014.*

12 SEC. 2. Chapter 11 (commencing with Section 66900) of Part
13 40 of Division 5 of Title 3 of the Education Code is repealed.