

AMENDED IN ASSEMBLY SEPTEMBER 4, 2001

AMENDED IN ASSEMBLY JUNE 29, 2001

SENATE BILL

No. 517

Introduced by Senator Torlakson

February 22, 2001

An act to amend Section 66903 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 517, as amended, Torlakson. California Postsecondary Education Commission.

Existing law establishes the California Postsecondary Education Commission as the statewide postsecondary education coordinating and planning agency.

This bill would require the commission, in consultation with the public postsecondary *education* segments, to consider the development of facilities to be used by more than one segment of public higher education. The bill would also require the commission to recommend to the Legislature criteria and processes for different segments to utilize bond funds for the joint-use facilities.

The bill would incorporate additional changes to this provision, proposed by AB 1721, to be operative only if AB 1721 and this bill are both chaptered and become effective on or before January 1, 2002, both bills amend this provision, and this bill is chaptered last.

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. The Legislature finds and declares all of the
2 following:

3 (a) The California Postsecondary Education Commission
4 estimates that 714,000 more Californians will seek public higher
5 education in the next 10 years, known as “Title Wave II.”

6 (b) New facilities will be needed to accommodate the expanded
7 student population.

8 (c) The joint use of facilities would make efficient use of bond
9 funds and other capital outlay funds.

10 (d) The Legislature has supported coordination of coursework
11 and requirements so that students can transfer between the
12 segments of higher education, including dual enrollment.

13 (e) Several campuses in the state offer space for construction of
14 facilities that could serve more than one higher education segment.

15 SEC. 2. Section 66903 of the Education Code is amended to
16 read:

17 66903. The commission has the following functions and
18 responsibilities in its capacity as the statewide postsecondary
19 education planning and coordinating agency and adviser to the
20 Legislature and the Governor:

21 (a) It shall require the governing boards of the segments of
22 public postsecondary education to develop and submit to the
23 commission institutional and systemwide long-range plans in a
24 form determined by the commission after consultation with the
25 segments.

26 (b) It shall prepare a state plan for postsecondary education that
27 shall integrate the planning efforts of the public segments with
28 other pertinent plans. The commission shall seek to resolve
29 conflicts or inconsistencies among segmental plans in consultation
30 with the segments. If these consultations are unsuccessful, the
31 commission shall report the unresolved issues to the Legislature
32 with recommendations for resolution. In developing the plan, the
33 commission shall consider at least the following factors:

34 (1) The need for, and location of, new facilities.

35 (2) The range and kinds of programs appropriate to each
36 institution or system.

37 (3) The budgetary priorities of the institutions and systems of
38 postsecondary education.



1 (4) The impact of various types and levels of student charges
2 on students and on postsecondary education programs and
3 institutions.

4 (5) The appropriate levels of state-funded student financial aid.

5 (6) The access and admission of students to postsecondary
6 education.

7 (7) The educational programs and resources of independent
8 and private postsecondary institutions.

9 (8) The provisions of this division differentiating the functions
10 of the public systems of higher education.

11 (c) It shall update the plan periodically, as appropriate.

12 (d) It shall participate in appropriate stages of the executive and
13 the legislative budget processes as requested by the executive and
14 the legislative branches, and shall advise the executive and the
15 legislative branches as to whether segmental programmatic
16 budgetary requests are compatible with the state plan. It is not
17 intended that the commission hold independent budget hearings.

18 (e) It shall advise the Legislature and the Governor regarding
19 the need for, and location of, new institutions and campuses of
20 public higher education.

21 (f) It shall review proposals by the public segments for new
22 programs, the priorities that guide them, and the degree of
23 coordination with nearby public, independent, and private
24 postsecondary educational institutions, and shall make
25 recommendations regarding those proposals to the Legislature and
26 the Governor.

27 (g) In consultation with the public segments, it shall establish
28 a schedule for segmental review of selected educational programs,
29 evaluate the program approval, review, and disestablishment
30 processes of the segments, and report its findings and
31 recommendations to the Legislature and the Governor.

32 (h) It shall serve as a stimulus to the segments and institutions
33 of postsecondary education by projecting and identifying societal
34 and educational needs and encouraging adaptability to change.

35 (i) It shall periodically collect or conduct, or both collect and
36 conduct, studies of projected manpower supply and demand, in
37 cooperation with appropriate state agencies, and disseminate the
38 results of those studies to institutions of postsecondary education
39 and to the public in order to improve the information base upon
40 which student choices are made.



1 (j) It shall periodically review and make recommendations
2 concerning the need for, and availability of, postsecondary
3 programs for adult and continuing education.

4 (k) It shall develop criteria for evaluating the effectiveness of
5 all aspects of postsecondary education.

6 (l) It shall maintain and update annually an inventory of all
7 off-campus programs and facilities for education, research, and
8 community services operated by public and independent
9 institutions of postsecondary education.

10 (m) (1) It shall act as a clearinghouse for postsecondary
11 education information and as a primary source of information for
12 the Legislature, the Governor, and other agencies. It shall develop
13 and maintain a comprehensive data base that does all of the
14 following:

15 (A) Ensures comparability of data from diverse sources.

16 (B) Supports longitudinal studies of individual students as they
17 progress through the state's postsecondary educational
18 institutions, based upon the commission's existing student data
19 base through the use of a unique student identifier.

20 (C) Is compatible with the California School Information
21 System and the student information systems developed and
22 maintained by the public segments of higher education, as
23 appropriate.

24 (D) Provides Internet access to data, as appropriate, to the
25 sectors of higher education.

26 (E) Provides each of the educational segments access to the
27 data made available to the commission for the purposes of the data
28 base, in order to support, most efficiently and effectively,
29 statewide, segmental, and individual campus educational research
30 information needs.

31 (2) The commission, in implementing paragraph (1), shall
32 comply with the federal Family Educational Rights and Privacy
33 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of
34 personally identifiable information concerning students.

35 (3) The commission may not make available any personally
36 identifiable information received from a postsecondary
37 educational institution concerning students for any regulatory
38 purpose unless the institution has authorized the commission to
39 provide that information on behalf of the institution.



1 (4) The commission shall provide 30-day notification to the
2 chairpersons of the appropriate legislative policy and budget
3 committees of the Legislature, to the Director of Finance, and to
4 the Governor prior to making any significant changes to the
5 student information contained in the ~~data base~~ *database*.

6 (n) It shall establish criteria for state support of new and
7 existing programs, in consultation with the public segments, the
8 Department of Finance, and the Joint Legislative Budget
9 Committee.

10 (o) It shall comply with the appropriate provisions of the
11 federal Education Amendments of 1972 (P.L. 92-318), as
12 specified in Section 67000.

13 (p) It shall consider the relationship among academic education
14 and vocational education and job training programs, and shall
15 actively consult with representatives of public and private
16 education.

17 (q) It shall review all proposals for changes in eligibility pools
18 for admission to public institutions and segments of postsecondary
19 education and shall make recommendations to the Legislature, the
20 Governor, and institutions of postsecondary education.

21 (r) It shall report periodically to the Legislature and the
22 Governor regarding the financial conditions of independent
23 institutions, their enrollment and application figures, the number
24 of student spaces available, and the respective cost of utilizing
25 those spaces as compared to providing additional public spaces.
26 The reports shall include recommendations concerning state
27 policies and programs having a significant impact on independent
28 institutions.

29 (s) Upon request of the Legislature or the Governor, it shall
30 submit to the Legislature and the Governor a report on all matters
31 so requested that are compatible with its role as the statewide
32 postsecondary education planning and coordinating agency. Upon
33 request of individual Members of the Legislature or personnel in
34 the executive branch, the commission shall submit information or
35 a report on any matter to the extent that sufficient resources are
36 available. From time to time, it also may submit to the Legislature
37 and the Governor a report that contains recommendations as to
38 necessary or desirable changes, if any, in the functions, policies,
39 and programs of the several segments of public, independent, and
40 private postsecondary education.



1 (t) In consultation with the public segments, it shall consider
2 the development of facilities to be used by more than one segment
3 of public higher education, commonly called “joint-use
4 facilities.” It shall recommend to the Legislature criteria and
5 processes for different segments to utilize bond funds for these
6 intersegmental, joint-use facilities.

7 (u) It may undertake other functions and responsibilities that
8 are compatible with its role as the statewide postsecondary
9 education planning and coordinating agency.

10 *SEC. 3. Section 66903 of the Education Code is amended to*
11 *read:*

12 66903. The commission ~~shall have~~ *has* the following
13 functions and responsibilities in its capacity as the statewide
14 postsecondary education planning and coordinating agency and
15 adviser to the Legislature and the Governor:

16 (a) It shall require the governing boards of the segments of
17 public postsecondary education to develop and submit to the
18 commission institutional and systemwide long-range plans in a
19 form determined by the commission after consultation with the
20 segments.

21 (b) It shall prepare a state plan for postsecondary education that
22 shall integrate the planning efforts of the public segments with
23 other pertinent plans. The commission shall seek to resolve
24 conflicts or inconsistencies among segmental plans in consultation
25 with the segments. If these consultations are unsuccessful, the
26 commission shall report the unresolved issues to the Legislature
27 with recommendations for resolution. In developing the plan, the
28 commission shall consider at least the following factors:

29 (1) The need for, and location of, new facilities.

30 (2) The range and kinds of programs appropriate to each
31 institution or system.

32 (3) The budgetary priorities of the institutions and systems of
33 postsecondary education.

34 (4) The impact of various types and levels of student charges
35 on students and on postsecondary education programs and
36 institutions.

37 (5) The appropriate levels of state-funded student financial aid.

38 (6) The access and admission of students to postsecondary
39 education.



1 (7) The educational programs and resources of independent
2 and private postsecondary institutions.

3 (8) The provisions of this division differentiating the functions
4 of the public systems of higher education.

5 (c) It shall update the plan periodically, as appropriate.

6 (d) It shall participate in appropriate stages of the executive and
7 the legislative budget processes as requested by the executive and
8 the legislative branches, and shall advise the executive and the
9 legislative branches as to whether segmental programmatic
10 budgetary requests are compatible with the state plan. It is not
11 intended that the commission hold independent budget hearings.

12 (e) It shall advise the Legislature and the Governor regarding
13 the need for, and location of, new institutions and campuses of
14 public higher education.

15 (f) It shall review proposals by the public segments for new
16 programs, the priorities that guide them, *and* the degree of
17 coordination with nearby public, independent, and private
18 postsecondary educational institutions, and shall make
19 recommendations regarding those proposals to the Legislature and
20 the Governor.

21 (g) In consultation with the public segments, it shall establish
22 a schedule for segmental review of selected educational programs,
23 evaluate the program approval, review, and disestablishment
24 processes of the segments, and report its findings and
25 recommendations to the Legislature and the Governor.

26 (h) It shall serve as a stimulus to the segments and institutions
27 of postsecondary education by projecting and identifying societal
28 and educational needs and encouraging adaptability to change.

29 (i) It shall periodically collect or conduct, or both collect and
30 conduct, studies of projected manpower supply and demand, in
31 cooperation with appropriate state agencies, and disseminate the
32 results of those studies to institutions of postsecondary education
33 and to the public in order to improve the information base upon
34 which student choices are made.

35 (j) It shall periodically review and make recommendations
36 concerning the need for, and availability of, postsecondary
37 programs for adult and continuing education.

38 (k) It shall develop criteria for evaluating the effectiveness of
39 all aspects of postsecondary education.



1 (l) It shall maintain and update annually an inventory of all
2 off-campus programs and facilities for education, research, and
3 community services operated by public and independent
4 institutions of postsecondary education.

5 (m) (1) It shall act as a clearinghouse for postsecondary
6 education information and as a primary source of information for
7 the Legislature, the Governor, and other agencies. It shall develop
8 and maintain a comprehensive data base that does all of the
9 following:

10 (A) Ensures comparability of data from diverse sources.

11 (B) Supports longitudinal studies of individual students as they
12 progress through the state's postsecondary educational
13 institutions, based upon the commission's existing student data
14 base through the use of a unique student identifier.

15 (C) Is compatible with the California School Information
16 System and the student information systems developed and
17 maintained by the public segments of higher education, as
18 appropriate.

19 (D) Provides Internet access to data, as appropriate, to the
20 sectors of higher education.

21 (E) Provides each of the educational segments access to the
22 data made available to the commission for the purposes of the data
23 base, in order to support, most efficiently and effectively,
24 statewide, segmental, and individual campus educational research
25 information needs.

26 (2) The commission, in implementing paragraph (1), shall
27 comply with the federal Family Educational Rights and Privacy
28 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of
29 personally identifiable information concerning students.

30 (3) The commission ~~shall~~ may not make available any
31 personally identifiable information received from a postsecondary
32 educational institution concerning students for any regulatory
33 purpose unless the institution has authorized the commission to
34 provide that information on behalf of the institution.

35 (4) The commission shall provide 30-day notification to the
36 chairpersons of the appropriate legislative policy and budget
37 committees of the Legislature, to the Director of Finance, and to
38 the Governor prior to making any significant changes to the
39 student information contained in the ~~data base~~ database.



1 (n) It shall establish criteria for state support of new and
2 existing programs, in consultation with the public segments, the
3 Department of Finance, and the Joint Legislative Budget
4 Committee.

5 (o) It shall comply with the appropriate provisions of the
6 federal Education Amendments of 1972 (P.L. 92-318), as
7 specified in Section 67000.

8 (p) It shall consider the relationship among academic education
9 and vocational education and job training programs, and shall
10 actively consult with representatives of public and private
11 education.

12 (q) It shall review all proposals for changes in eligibility pools
13 for admission to public institutions and segments of postsecondary
14 education and shall make recommendations to the Legislature, the
15 Governor, and institutions of postsecondary education. *In*
16 *carrying out this subdivision, the commission periodically shall*
17 *conduct a study of the percentages of California public high school*
18 *graduates estimated to be eligible for admission to the University*
19 *of California and the California State University. The changes*
20 *made to this subdivision during the 2001–02 Regular Session of*
21 *the Legislature shall be implemented only during those fiscal years*
22 *for which funding is provided for the purposes of those provisions*
23 *in the annual Budget Act or in another measure.*

24 (r) It shall report periodically to the Legislature and the
25 Governor regarding the financial conditions of independent
26 institutions, their enrollment and application figures, the number
27 of student spaces available, and the respective cost of utilizing
28 those spaces as compared to providing additional public spaces.
29 The reports shall include recommendations concerning state
30 policies and programs having a significant impact on independent
31 institutions.

32 (s) Upon request of the Legislature or the Governor, it shall
33 submit to the Legislature and the Governor a report on all matters
34 so requested that are compatible with its role as the statewide
35 postsecondary education planning and coordinating agency. Upon
36 request of individual Members of the Legislature or personnel in
37 the executive branch, the commission shall submit information or
38 a report on any matter to the extent that sufficient resources are
39 available. From time to time, it also may submit to the Legislature
40 and the Governor a report that contains recommendations as to



1 necessary or desirable changes, if any, in the functions, policies,
2 and programs of the several segments of public, independent, and
3 private postsecondary education.

4 (t) *In consultation with the public segments, it shall consider*
5 *the development of facilities to be used by more than one segment*
6 *of public higher education, commonly called “joint-use*
7 *facilities.” It shall recommend to the Legislature criteria and*
8 *processes for different segments to utilize bond funds for these*
9 *intersegmental, joint-use facilities.*

10 (u) It may undertake other functions and responsibilities that
11 are compatible with its role as the statewide postsecondary
12 education planning and coordinating agency.

13 *SEC. 4. Section 3 of this bill incorporates amendments to*
14 *Section 66903 of the Education Code proposed by both this bill*
15 *and AB 1721. It shall only become operative if (1) both bills are*
16 *enacted and become effective on or before January 1, 2002, (2)*
17 *each bill amends Section 66903 of the Education Code, and (3)*
18 *this bill is enacted after AB 1721, in which case Section 2 of this*
19 *bill shall not become operative.*

