

ASSEMBLY BILL

No. 2923

Introduced by Assembly Member Liu

February 20, 2004

An act to add Section 66901.5 to, to add Chapter 11.1 (commencing with Section 66910) to Part 40 of, and to repeal Sections 66903, 66904, and 67002 of, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2923, as introduced, Liu. Postsecondary education: California Postsecondary Education Policy and Finance Commission: California Postsecondary Education Commission: Student Aid Commission.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act establishes the 17-member California Postsecondary Education Commission (CPEC) for, among other purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state.

This bill would consolidate the policy responsibilities of CPEC into a new state entity, to be known as the California Postsecondary Education Policy and Finance Commission, and would provide for the appointment of its members and of an executive director. The bill would require the California Postsecondary Education Policy and Finance Commission to succeed to the powers, duties, functions, and obligations of CPEC on July 1, 2005, and would make various technical and conforming changes relating to that succession.

The bill would require the Legislative Analyst to submit a report to the chairpersons of the appropriate policy and fiscal committees of the Legislature, on or before March 1, 2007, on the effectiveness of the commission’s policy leadership, along with any recommendations to improve the commission’s ability to carry out its responsibilities.

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 66901.5 is added to the Education Code,
 2 to read:
 3 66901.5. Notwithstanding any other provision of law, on July
 4 1, 2005, the California Postsecondary Education Policy and
 5 Finance Commission established by Chapter 11.1 (commencing
 6 with Section 66910) shall succeed to all of the powers, duties,
 7 functions, and obligations of the California Postsecondary
 8 Education Commission.
 9 SEC. 2. Section 66903 of the Education Code is repealed.
 10 ~~66903. The commission has the following functions and~~
 11 ~~responsibilities in its capacity as the statewide postsecondary~~
 12 ~~education planning and coordinating agency and adviser to the~~
 13 ~~Legislature and the Governor:~~
 14 (a) ~~It shall require the governing boards of the segments of~~
 15 ~~public postsecondary education to develop and submit to the~~
 16 ~~commission institutional and systemwide long range plans in a~~
 17 ~~form determined by the commission after consultation with the~~
 18 ~~segments.~~
 19 (b) ~~It shall prepare a state plan for postsecondary education that~~
 20 ~~shall integrate the planning efforts of the public segments with~~
 21 ~~other pertinent plans. The commission shall seek to resolve~~
 22 ~~conflicts or inconsistencies among segmental plans in consultation~~
 23 ~~with the segments. If these consultations are unsuccessful, the~~
 24 ~~commission shall report the unresolved issues to the Legislature~~
 25 ~~with recommendations for resolution. In developing the plan, the~~
 26 ~~commission shall consider at least the following factors:~~
 27 (1) ~~The need for, and location of, new facilities.~~
 28 (2) ~~The range and kinds of programs appropriate to each~~
 29 ~~institution or system.~~



1 ~~(3) The budgetary priorities of the institutions and systems of~~
2 ~~postsecondary education.~~

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

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

7 ~~(6) The access and admission of students to postsecondary~~
8 ~~education.~~

9 ~~(7) The educational programs and resources of independent~~
10 ~~and private postsecondary institutions.~~

11 ~~(8) The provisions of this division differentiating the functions~~
12 ~~of the public systems of higher education.~~

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

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

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

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

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

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

37 ~~(i) It shall periodically collect or conduct, or both collect and~~
38 ~~conduct, studies of projected manpower supply and demand, in~~
39 ~~cooperation with appropriate state agencies, and disseminate the~~
40 ~~results of those studies to institutions of postsecondary education~~



1 and to the public in order to improve the information base upon
2 which student choices are made.

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

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

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

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

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

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

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

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

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

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

37 (3) The commission may not make available any personally
38 identifiable information received from a postsecondary
39 educational institution concerning students for any regulatory



1 ~~purpose unless the institution has authorized the commission to~~
2 ~~provide that information on behalf of the institution.~~

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

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

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

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

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

31 ~~(r) It shall report periodically to the Legislature and the~~
32 ~~Governor regarding the financial conditions of independent~~
33 ~~institutions, their enrollment and application figures, the number~~
34 ~~of student spaces available, and the respective cost of utilizing~~
35 ~~those spaces as compared to providing additional public spaces.~~
36 ~~The reports shall include recommendations concerning state~~
37 ~~policies and programs having a significant impact on independent~~
38 ~~institutions.~~

39 ~~(s) Upon request of the Legislature or the Governor, it shall~~
40 ~~submit to the Legislature and the Governor a report on all matters~~



1 ~~so requested that are compatible with its role as the statewide~~
2 ~~postsecondary education planning and coordinating agency. Upon~~
3 ~~request of individual Members of the Legislature or personnel in~~
4 ~~the executive branch, the commission shall submit information or~~
5 ~~a report on any matter to the extent that sufficient resources are~~
6 ~~available. From time to time, it also may submit to the Legislature~~
7 ~~and the Governor a report that contains recommendations as to~~
8 ~~necessary or desirable changes, if any, in the functions, policies,~~
9 ~~and programs of the several segments of public, independent, and~~
10 ~~private postsecondary education.~~

11 ~~(t) In consultation with the public segments, it shall consider~~
12 ~~the development of facilities to be used by more than one segment~~
13 ~~of public higher education, commonly called “joint-use~~
14 ~~facilities.” It shall recommend to the Legislature criteria and~~
15 ~~processes for different segments to utilize bond funds for these~~
16 ~~intersegmental, joint-use facilities.~~

17 ~~(u) It may undertake other functions and responsibilities that~~
18 ~~are compatible with its role as the statewide postsecondary~~
19 ~~education planning and coordinating agency.~~

20 SEC. 3. Section 66904 of the Education Code is repealed.

21 ~~66904. It is the intent of the Legislature that sites for new~~
22 ~~institutions or branches of the University of California and the~~
23 ~~California State University, and the classes of off-campus centers~~
24 ~~as the commission shall determine, shall not be authorized or~~
25 ~~acquired unless recommended by the commission.~~

26 ~~It is further the intent of the Legislature that California~~
27 ~~community colleges shall not receive state funds for acquisition of~~
28 ~~sites or construction of new institutions, branches, or off-campus~~
29 ~~centers unless recommended by the commission. Acquisition or~~
30 ~~construction of nonstate-funded community college institutions,~~
31 ~~branches, and off-campus centers, and proposals for acquisition or~~
32 ~~construction shall be reported to, and may be reviewed and~~
33 ~~commented upon by, the commission.~~

34 ~~It is further the intent of the Legislature that existing or new~~
35 ~~institutions of public education, other than those described in~~
36 ~~subdivision (a) of Section 66010, shall not be authorized to offer~~
37 ~~instruction beyond the 14th grade level.~~

38 ~~All proposals for new postsecondary educational programs~~
39 ~~shall be forwarded to the commission for review together with~~
40 ~~supporting materials and documents that the commission may~~



1 ~~specify. The commission shall review the proposals within a~~
 2 ~~reasonable length of time, which time shall not exceed 60 days~~
 3 ~~following submission of the program and the specified materials~~
 4 ~~and documents. For the purposes of this section, “new~~
 5 ~~postsecondary educational programs” means all proposals for~~
 6 ~~new schools or colleges, all series of courses arranged in a scope~~
 7 ~~or sequence leading to (1) a graduate or undergraduate degree, or~~
 8 ~~(2) a certificate of a type defined by the commission, which have~~
 9 ~~not appeared in a segment’s or district’s academic plan within the~~
 10 ~~previous two years, and all proposals for new research institutes~~
 11 ~~or centers which have not appeared in a segment’s or district’s~~
 12 ~~academic plan within the previous two years.~~

13 ~~It is further the intent of the Legislature that the advice of the~~
 14 ~~commission be utilized in reaching decisions on requests for~~
 15 ~~funding new and continuing graduate and professional programs;~~
 16 ~~enrollment levels, and capital outlay for existing and new~~
 17 ~~campuses, colleges, and off-campus centers.~~

18 SEC. 4. Chapter 11.1 (commencing with Section 66910) is
 19 added to Part 40 of the Education Code, to read:

20

21 CHAPTER 11.1. CALIFORNIA POSTSECONDARY EDUCATION
 22 POLICY AND FINANCE COMMISSION
 23

24 66910. It is the intent of the Legislature to consolidate the
 25 policy responsibilities of the California Postsecondary Education
 26 Commission into the California Postsecondary Education Policy
 27 and Finance Commission and, in so doing, accomplish all of the
 28 following:

29 (a) Consolidate within a single state agency key responsibilities
 30 for higher education planning and analysis, program
 31 administration, and information system management.

32 (b) Maintain at the state level essential capacity to coordinate
 33 all sectors of postsecondary education, both public and nonpublic,
 34 given the size, scope, and complexity of California postsecondary
 35 education.

36 (c) Serve as the primary entity for independent and objective
 37 higher education policy planning and analysis.

38 (d) Facilitate the coordination and utilization of the capacity of
 39 the private postsecondary sector, combined with other sectors of
 40 higher education to achieve a more effective use of privately and



1 publicly funded education in promoting economic growth in
2 California.

3 (e) Integrate student fee and financial aid policies with
4 institutional funding and finance policies to ensure that all
5 qualified Californians have access to education and the
6 opportunity for educational success.

7 (f) Maintain a statewide postsecondary accountability
8 structure that periodically provides an assessment of the progress
9 made by the state's system of postsecondary education in meeting
10 the needs of Californians.

11 (g) Establish and maintain a comprehensive postsecondary
12 education information system, integrating data from all sectors of
13 postsecondary education, including financial aid, and providing
14 accurate current and historical data about higher education.

15 66910.5. (a) The California Postsecondary Education Policy
16 and Finance Commission is the statewide policy and planning
17 agency for higher education. The commission is an adviser to the
18 Governor, the Legislature, and the segments of higher education.
19 The commission shall serve as a principal fiscal and program
20 adviser to the Governor and the Legislature on postsecondary
21 educational policy.

22 (b) The commission's responsibilities include, but are not
23 necessarily limited to, all of the following:

24 (1) Providing long-range planning for meeting the
25 postsecondary education needs of Californians, including
26 planning for the adequate provision of facilities, programs and
27 campuses, and assessing and advising state policymakers
28 regarding priorities dictated by current and evolving public needs.

29 (2) Providing policy and fiscal analyses regarding the most
30 critical issues facing California higher education, including those
31 affecting the success of Californians in attending and completing
32 their postsecondary education.

33 (3) Advising on the long-range planning proposals of the
34 various public postsecondary education entities, including making
35 recommendations for the efficient and coordinated use of state
36 resources among California's public and private postsecondary
37 institutions.

38 (4) Annually advising, and issuing recommendations to, the
39 Governor and the Legislature regarding the financing and resource
40 needs of California postsecondary education, with the objective of



1 ensuring adequate resources to enable California postsecondary
2 education to meet the state’s goals of access, affordability, equity,
3 and quality.

4 (5) Maintaining a statewide postsecondary education
5 accountability framework that identifies state public policy goals
6 and provides a means for assessing progress toward meeting those
7 goals across all segments of postsecondary education.

8 (6) Reporting periodically to the Governor and Legislature on
9 the results of the postsecondary education accountability system,
10 including both of the following:

11 (A) Reporting on the state’s progress in achieving
12 postsecondary education policy goals and priorities and the policy
13 implications of this progress, or lack thereof.

14 (B) Making recommendations on needed adjustments to state
15 policy goals, priorities, and indicators, as warranted.

16 (7) Advising the Governor and the Legislature regarding the
17 need for, and the location of, new institutions and campuses of
18 public higher education.

19 (8) Reviewing proposals by the public segments for new
20 programs, the priorities that guide them, and the degree of
21 coordination with nearby public, independent, and private
22 postsecondary educational institutions, and making
23 recommendations regarding those proposals to the Governor and
24 the Legislature.

25 (9) Serving as the state-level repository for postsecondary
26 education data, and the lead agency for coordinating with the data
27 systems for elementary and secondary education.

28 (c) The commission shall consult with the segments of
29 postsecondary education and with relevant state agencies,
30 including the Superintendent of Public Instruction, and other
31 relevant parties, in its preparation of analyses and
32 recommendations for the Governor and the Legislature. However,
33 the commission shall remain an independent and nonpartisan body
34 responsible for providing an integrated and unbiased view for
35 purposes of state policy formulation and evaluation.

36 (d) The commission shall provide policy analysis for
37 state-authorized student financial aid programs pursuant to
38 Chapter 2 (commencing with Section 69500) of Part 42.

39 66912. (a) The California Postsecondary Education Policy
40 and Finance Commission is hereby established. The commission



1 shall have 11 members, who shall be appointed in accordance with
2 all of the following:

3 (1) Seven members of the general public, appointed as follows:
4 three by the Governor, two by the Senate Rules Committee and
5 two by the Speaker of the Assembly. It is the intent of the
6 Legislature that the commission be broadly and equitably
7 representative of the general public and the various regions of the
8 state, independent of existing higher educational institutions, and
9 knowledgeable about key issues in education and the economic
10 development of California.

11 (2) One representative of the Regents of the University of
12 California designated by the regents, one representative of the
13 Trustees of the California State University designated by the
14 trustees, and one representative of the Board of Governors of the
15 California Community Colleges designated by the board.
16 Representatives of the regents, the trustees, and the board of
17 governors shall be chosen from among the appointed members of
18 their respective boards, but in no instance shall an ex officio
19 member of a governing board serve on the commission.

20 (3) One representative of the independent California colleges
21 and universities that are formed and operated as nonprofit
22 corporations in this state and are accredited by a regional
23 association that is recognized by the United States Department of
24 Education. This member shall be appointed by the Governor from
25 a list or lists submitted by an association or associations of those
26 institutions.

27 (4) One representative of the private postsecondary and
28 vocational institutions that are formed and operated as profit
29 corporations in this state and are accredited by a national
30 association that is recognized by the United States Department of
31 Education. This member, who shall be a nonvoting member of the
32 commission, shall be appointed by the Governor from a list or lists
33 submitted by an association or associations of those institutions.

34 (5) The President of the State Board of Education shall be an
35 ex officio nonvoting member of the commission.

36 (6) No person who is employed by any institution of public or
37 private postsecondary education shall be appointed to or serve on
38 the commission, except that a person who is not a permanent,
39 full-time employee who has part-time teaching duties that do not



1 exceed six hours per week may be appointed to and serve on the
2 commission.

3 (7) The commission members designated in paragraph (1) shall
4 each serve a six-year term. The commission members designated
5 in paragraph (2) shall serve at the pleasure of their respective
6 appointing authorities. However, in order to stagger the terms of
7 the public appointees, of the seven commission members
8 designated in paragraph (1), three shall initially be appointed to
9 terms of two years, two to terms of four years, and two to terms of
10 six years. If a vacancy occurs prior to the expiration of a term, the
11 appointing authority may appoint a member for the remainder of
12 the term. An individual whose term has expired may continue to
13 serve on the commission until his or her replacement has been
14 appointed.

15 (b) Any person appointed pursuant to this section may be
16 reappointed to serve additional terms. All terms subsequent to the
17 initial appointments, which become effective July 1, 2005, shall
18 begin on January 1 of the year in which the respective terms are to
19 commence.

20 (c) No person appointed pursuant to this section shall, with
21 respect to any matter before the commission, vote for or on behalf
22 of, or in any way exercise the vote of, any other member of the
23 commission.

24 (d) The commission shall meet as often as it determines to be
25 necessary to carry out its duties and responsibilities.

26 (e) Any member of the commission who, in any calendar year,
27 misses more than one-third of the meetings of the full commission
28 forfeits his or her office, thereby creating a vacancy.

29 (f) The commission shall select a chair from among the
30 members representing the general public. The chair shall hold
31 office for a term of two years, and may be selected to two
32 successive terms.

33 66913. (a) The commission shall have an executive director,
34 appointed by, and serving at the pleasure of, the commission. The
35 executive director of the commission shall be exempt from civil
36 service pursuant to subdivision (e) of Section 4 of Article VII of
37 the California Constitution. The commission may delegate to the
38 executive director any power, duty, function, or jurisdiction that
39 the commission may lawfully delegate, including the authority to
40 enter into and sign contracts on behalf of the commission. The



1 executive director may delegate any of these powers, duties,
2 purposes, functions or jurisdictions to his or her designee, unless
3 by statute, rule, or regulation the executive director is expressly
4 required to act personally.

5 (b) (1) The commission shall annually review and establish
6 the salary of its executive director according to a methodology
7 established by the commission. This methodology shall take into
8 consideration the salary of directors of comparable boards in states
9 with postsecondary education systems comparable to California's
10 in size, complexity, and level of state expenditures. The
11 comparison states shall include seven major industrial states,
12 including Illinois, New Jersey, New York, Ohio, and Texas. The
13 commission shall notify the Chairperson of the Joint Legislative
14 Budget Committee of this annual salary amount. Notwithstanding
15 Section 19825 of the Government Code, the salary shall become
16 effective no sooner than 30 days after written notice of the salary
17 is provided to the chairperson of the committee, or no sooner than
18 a lesser interval determined by the chairperson, or his or her
19 designee.

20 (2) The commission shall annually conduct an evaluation of the
21 performance of the executive director, and this evaluation shall
22 place the highest priority on the effectiveness of the commission
23 in implementing its policy and planning responsibilities.

24 (c) The commission may appoint any subcommittee or
25 advisory committees that it deems necessary to advise the
26 commission. The advisory committees may consist of commission
27 members or nonmembers, who may include, but are not
28 necessarily limited to, students, faculty members, segmental
29 representatives, governmental representatives, and
30 representatives of the public.

31 (d) Each member of the commission shall receive full
32 reimbursement for his or her actual and necessary traveling
33 expenses incurred in the course of his or her duties.

34 66913.5. (a) Commencing on December 1, 2005, and on or
35 before December 1 of each year thereafter, the executive director
36 shall submit, to the Legislative Analyst and to the chairpersons of
37 the appropriate policy and fiscal committees of the respective
38 houses of the Legislature, a written strategic plan for the agency,
39 including specific goals and objectives, an assessment of the
40 progress made in achieving these goals and objectives, and an



1 assessment of the key issues in higher education to be considered
2 by the Legislature during that session.

3 (b) On or before March 1, 2007, and periodically thereafter, the
4 Legislative Analyst shall submit its written report to the
5 chairpersons of the appropriate policy and fiscal committees of the
6 respective houses of the Legislature on the effectiveness of the
7 commission's policy leadership, along with any recommendations
8 to improve the commission's ability to carry out its
9 responsibilities.

10 66914. (a) There is established a Policy Advisory Committee
11 to the Commission. This advisory committee shall consist of each
12 of the following:

13 (1) The President of the University of California, or his or her
14 designee.

15 (2) The Chancellor of the California State University, or his or
16 her designee.

17 (3) The Chancellor of the California Community Colleges, or
18 his or her designee.

19 (4) The Superintendent of Public Instruction, or his or her
20 designee.

21 (5) The chief executive officer of the Association of
22 Independent California Colleges and Universities.

23 (b) Commission meeting agenda items and associated
24 documents shall be provided to the advisory committee in a timely
25 manner for its consideration and comments.

26 (c) The responsibilities of the Policy Advisory Committee to
27 the Commission, the Executive Director, and the Deputy Director
28 for Policy and Planning include, but are not necessarily limited to,
29 all of the following:

30 (1) Identifying issues and problems that involve all of the
31 segments of higher education and elementary and secondary
32 education, and working to develop a common approach to
33 addressing major issues.

34 (2) Responding proactively to policy initiatives taken by the
35 commission, both by encouraging the segments to be active
36 participants in the conversation and by expressing the concerns of
37 the segments to the commission.

38 (3) Providing support and assistance for commission projects
39 and studies.

40 SEC. 5. Section 67002 of the Education Code is repealed.



1 ~~67002. The California Postsecondary Education Commission~~
2 ~~is designated as the state educational agency to carry out the~~
3 ~~purposes and provisions of the Education Amendments of 1972~~
4 ~~(Public Law 92-318), the Education Amendments of 1976 (Public~~
5 ~~Law 94-482), and subsequent enactments amendatory or~~
6 ~~supplementary thereto, as follows:~~

7 ~~(a) The commission is designated as the state commission~~
8 ~~required to be established pursuant to Section 1202 of Title X of~~
9 ~~the Higher Education Act of 1965 (Public Law 89-329) as~~
10 ~~amended by the Education Amendments of 1972 (Public Law~~
11 ~~92-318);~~

12 ~~(b) The commission is designated as the state administrative~~
13 ~~agency required to be established pursuant to Section 1055 of Title~~
14 ~~X of the Higher Education Act of 1965 (Public Law 89-329) as~~
15 ~~amended by the Education Amendments of 1972 (Public Law~~
16 ~~92-318), unless such designation is determined by the federal~~
17 ~~government to be in conflict with federal law or regulations;~~

18 ~~(c) The commission is designated as the state administrative~~
19 ~~agency required to be established pursuant to Section 105 of Title~~
20 ~~1, Section 122 of Title III, Section 603 of Title VI and Section 704~~
21 ~~of Title VII of the Higher Education Act of 1965 (Public Law~~
22 ~~89-329) as amended by the Education Amendments of 1972~~
23 ~~(Public law 92-318). The California Postsecondary Education~~
24 ~~Commission is hereby vested with authority to prepare and submit~~
25 ~~to the United States Commissioner of Education any state plan~~
26 ~~required by said act of Congress, to prepare and submit~~
27 ~~amendments to such state plans, and to administer such state plans~~
28 ~~or amendments thereto, in accordance with said act of Congress~~
29 ~~and any rules and regulations adopted thereunder. Any such state~~
30 ~~plan or amendment thereto prepared by the California~~
31 ~~Postsecondary Education Commission shall be subject to the~~
32 ~~approval of the Department of Finance to the extent required by~~
33 ~~Section 13326 of the Government Code. The California~~
34 ~~Postsecondary Education Commission is hereby vested with all~~
35 ~~necessary power and authority to cooperate with the government~~
36 ~~of the United States, or any agency or agencies thereof in the~~
37 ~~administration of the act of Congress and the rules and regulations~~
38 ~~adopted thereunder.~~



1 SEC. 6. Sections 2, 3, and 5 of this act shall become operative
2 on July 1, 2005.

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