

AMENDED IN ASSEMBLY APRIL 27, 2004

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2923**

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**Introduced by Assembly Member Liu**

February 20, 2004

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An act to add Article 2 (commencing with Section 66910) to Chapter 11 of Part 40 of, and to repeal Sections 66901, 66903, ~~66904~~, and 67002 of, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2923, as amended, Liu. Postsecondary education: California Postsecondary Education 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 express legislative intent to promote the efficiency and effectiveness of the commission and to focus the agency's responsibilities on the highest state priorities. The bill would delete the provision that establishes CPEC, and would enact a provision reconstituting CPEC as a commission with a membership of 11 members. The bill would permit persons or entities authorized to



appoint members of CPEC to reappoint a person or ~~person~~ *persons* who served on CPEC prior to January 1, 2005.

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, and periodically thereafter, 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 of the Education Code is  
2 repealed.

3 SEC. 2. Section 66903 of the Education Code is repealed.

4 ~~SEC. 3. Section 66904 of the Education Code is repealed.~~

5 ~~SEC. 4.—~~

6 SEC. 3. Article 2 (commencing with Section 66910) is added  
7 to Chapter 11 of Part 40 of the Education Code, to read:

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Article 2. Policy Responsibilities

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11 66910. It is the intent of the Legislature to promote the  
12 efficiency and effectiveness of the California Postsecondary  
13 Education Commission, and thereby strengthen state-level  
14 coordination and policy leadership in California postsecondary  
15 education. Since state fiscal resources are limited, it is necessary  
16 to reduce the size of the commission and focus the agency’s  
17 responsibilities on the highest priorities and, in so doing,  
18 accomplish all of the following:

19 (a) Consolidate within a single state agency key responsibilities  
20 for higher education planning and analysis, program  
21 ~~administration~~ *review*, and information system management.

22 (b) Maintain at the state level essential capacity to coordinate  
23 all sectors of postsecondary education, both public and nonpublic,  
24 given the size, scope, and complexity of California postsecondary  
25 education.

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



1 (d) *Integrate student fee and financial aid policies with*  
2 *institutional funding and finance policies to ensure that all*  
3 *qualified Californians have access to education and that higher*  
4 *education is affordable for all students.*

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

9 ~~(e)~~

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

14 66910.5. (a) The California Postsecondary Education  
15 Commission is the statewide policy and planning agency for  
16 higher education. The commission is an adviser to the Governor,  
17 the Legislature, and the segments of higher education. The  
18 commission shall serve as a principal fiscal and program adviser  
19 to the Governor and the Legislature on postsecondary educational  
20 policy.

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

23 (1) Providing the public agenda for California postsecondary  
24 education in meeting the postsecondary education needs of all  
25 Californians, including planning for the adequate provision of  
26 facilities, programs and campuses, and assessing and advising  
27 state policymakers regarding priorities dictated by current and  
28 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, independent, and private  
37 postsecondary 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 66912. (a) The California Postsecondary Education  
37 Commission is hereby established. The commission shall have 11  
38 voting members, who shall be appointed in accordance with all of  
39 the following:



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

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

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

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

32 ~~(5)–~~

33 *(3) One representative of the Association of Independent  
34 California Colleges and Universities. This member shall be  
35 appointed by the Governor from a list or lists submitted by that  
36 association. The President of the State Board of Education shall  
37 be an ex officio nonvoting member of the commission.*

38 ~~(6)–~~

39 (5) No person who is employed by any institution of public or  
40 private postsecondary education shall be appointed to or serve on



1 the commission, except that a person who is not a permanent,  
2 full-time employee who has part-time teaching duties that do not  
3 exceed six hours per week may be appointed to and serve on the  
4 commission.

5 ~~(7)~~

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

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

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

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

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

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

36 (g) Any person or entity authorized to appoint a member of the  
37 commission under this section may appoint a person or persons  
38 who served on the commission as it was constituted under former  
39 Section 66901 prior to the repeal of that section on January 1,  
40 2005.



1 66913. (a) The commission shall have an executive director,  
2 appointed by, and serving at the pleasure of, the commission. The  
3 executive director of the commission shall be exempt from civil  
4 service pursuant to subdivision (e) of Section 4 of Article VII of  
5 the California Constitution. The commission may delegate to the  
6 executive director any power, duty, function, or jurisdiction that  
7 the commission may lawfully delegate, including the authority to  
8 enter into and sign contracts on behalf of the commission. The  
9 executive director may delegate any of these powers, duties,  
10 purposes, functions or jurisdictions to his or her designee, unless  
11 by statute, rule, or regulation the executive director is expressly  
12 required to act personally.

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

28 (2) The commission shall annually conduct an evaluation of the  
29 performance of the executive director, and this evaluation shall  
30 place the highest priority on the effectiveness of the commission  
31 in implementing its policy and planning responsibilities.

32 (c) The commission may appoint any subcommittee or  
33 advisory committees that it deems necessary to advise the  
34 commission. The advisory committees may consist of commission  
35 members or nonmembers, who may include, but are not  
36 necessarily limited to, students, faculty members, segmental  
37 representatives, governmental representatives, and  
38 representatives of the public.



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

4 66913.5. (a) Commencing on December 1, 2005, and on or  
5 before December 1 of each year thereafter, the executive director  
6 shall submit, to the Legislative Analyst and to the chairpersons of  
7 the appropriate policy and fiscal committees of the respective  
8 houses of the Legislature, a written strategic plan for the agency,  
9 including specific goals and objectives, an assessment of the  
10 progress made in achieving these goals and objectives, and an  
11 assessment of the key issues in higher education to be considered  
12 by the Legislature during that session.

13 (b) On or before March 1, 2007, and periodically thereafter, the  
14 Legislative Analyst shall submit its written report to the  
15 chairpersons of the appropriate policy and fiscal committees of the  
16 respective houses of the Legislature on the effectiveness of the  
17 commission's policy leadership, along with any recommendations  
18 to improve the commission's ability to carry out its  
19 responsibilities.

20 66914. (a) There is established a Policy Advisory Committee  
21 to the Commission. This advisory committee shall consist of each  
22 of the following:

23 (1) The President of the University of California, or his or her  
24 designee.

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

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

29 (4) The Superintendent of Public Instruction, or his or her  
30 designee.

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

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

36 (c) The responsibilities of the Policy Advisory Committee to  
37 the Commission, the Executive Director, and the Deputy Director  
38 for Policy and Planning include, but are not necessarily limited to,  
39 all of the following:



1 (1) Identifying issues and problems that involve all of the  
2 segments of higher education and elementary and secondary  
3 education, and working to develop a common approach to  
4 addressing major issues.

5 (2) Responding proactively to policy initiatives taken by the  
6 commission, both by encouraging the segments to be active  
7 participants in the conversation and by expressing the concerns of  
8 the segments to the commission.

9 (3) Providing support and assistance for commission projects  
10 and studies.

11 ~~SEC. 5.~~

12 *SEC. 4.* Section 67002 of the Education Code is repealed.

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