

AMENDED IN SENATE JUNE 21, 2004
AMENDED IN ASSEMBLY APRIL 27, 2004
AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2923

Introduced by Assembly Member Liu

February 20, 2004

An act to add Article 2 (commencing with Section 66910) to Chapter 11 of Part 40 of, and to repeal Sections 66901, 66903, 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~~ 13

members and specifying the duties and priorities of the reconstituted CPEC. The bill would permit persons or entities authorized to appoint members of CPEC to reappoint a person or 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2 repealed.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 Section 66903 of the Education Code is repealed.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. Article 2 (commencing with Section 66910) is added
5 to Chapter 11 of Part 40 of the Education Code, to read:

6
7 Article 2. Policy Responsibilities
8

9 66910. It is the intent of the Legislature to promote the
10 efficiency and effectiveness of the California Postsecondary
11 Education Commission, and thereby strengthen state-level
12 coordination and policy leadership in California postsecondary
13 education. Since state fiscal resources are limited, it is necessary
14 to reduce the size of the commission and focus the agency’s
15 responsibilities on the highest priorities and, in so doing,
16 accomplish all of the following:

17 (a) Consolidate within a single state agency key responsibilities
18 for higher education planning and analysis, program review, and
19 information system management.

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

24 (c) Serve as the primary entity for independent and objective
25 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 (f) Establish and maintain a comprehensive postsecondary
10 education information system, integrating data from all sectors of
11 postsecondary education, including financial aid, and providing
12 accurate current and historical data about higher education.

13 66910.5. (a) The California Postsecondary Education
14 Commission is the statewide policy and planning agency for
15 higher education. The commission is an adviser to the Governor,
16 the Legislature, and the segments of higher education. The
17 commission shall serve as a principal fiscal and program adviser
18 to the Governor and the Legislature on postsecondary educational
19 policy.

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

22 (1) Providing the public agenda for California postsecondary
23 education in meeting the postsecondary education needs of all
24 Californians, including planning for the adequate provision of
25 facilities, programs and campuses, and assessing and advising
26 state policymakers regarding priorities dictated by current and
27 evolving public needs.

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

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

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



1 education to meet the state’s goals of access, affordability, equity,
2 and quality.

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

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

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

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

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

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

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

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

35 (d) *Notwithstanding any other provision of law, if, in any fiscal*
36 *year, the commission’s funding resources are restricted, the*
37 *commission’s three highest priorities shall be the following:*

38 (1) *Maintenance of a comprehensive postsecondary education*
39 *information system, integrating data from all sectors of*
40 *postsecondary education.*



1 (2) Maintenance of a statewide postsecondary accountability
2 structure.

3 (3) Articulation of the public agenda for California
4 postsecondary education in meeting the postsecondary education
5 needs of all Californians, including advising state policymakers
6 regarding priorities dictated by current and evolving public needs.

7 66910.7. (a) The commission shall review all proposals for
8 changes in eligibility pools for admissions to public institutions
9 and segments of postsecondary education. The commission shall
10 make recommendations to the Legislature, the Governor, and to
11 affected institutions of postsecondary education with respect to
12 these proposals.

13 (b) In carrying out the requirements of this section, the
14 commission shall, on a biennial basis for odd-number graduation
15 years, conduct a study of the percentage of California public high
16 school graduates estimated to be eligible for admission to the
17 University of California and the California State University. This
18 eligibility study shall be implemented only during those fiscal
19 years for which funding is provided therefor in the annual Budget
20 Act or in another statute.

21 66912. (a) The California Postsecondary Education
22 Commission is hereby established. The commission shall have ~~11~~
23 13 voting members, who shall be appointed in accordance with all
24 of the following:

25 (1) ~~Seven~~ Nine members of the general public, appointed as
26 follows: three by the Governor, ~~two~~ three by the Senate Rules
27 Committee ~~and two~~, and three by the Speaker of the Assembly. It
28 is the intent of the Legislature that the commission be broadly and
29 equitably representative of the general public and the various
30 regions of the state, independent of existing higher educational
31 institutions, and knowledgeable about key issues in education and
32 the economic development of California.

33 (2) One representative of the Regents of the University of
34 California designated by the regents, one representative of the
35 Trustees of the California State University designated by the
36 trustees, and one representative of the Board of Governors of the
37 California Community Colleges designated by the board.
38 Representatives of the regents, the trustees, and the board of
39 governors shall be chosen from among the appointed members of



1 their respective boards, but in no instance shall an ex officio
2 member of a governing board serve on the commission.

3 (3) One representative of the Association of Independent
4 California Colleges and Universities. This member shall be
5 appointed by the Governor from a list or lists submitted by that
6 association. The President of the State Board of Education shall be
7 an ex officio nonvoting member of the commission.

8 ~~(5)~~

9 (4) No person who is employed by any institution of public or
10 private postsecondary education shall be appointed to or serve on
11 the commission, except that a person who is not a permanent,
12 full-time employee who has part-time teaching duties that do not
13 exceed six hours per week may be appointed to and serve on the
14 commission.

15 ~~(6)~~

16 (5) The commission members designated in paragraph (1) shall
17 each serve a six-year term. The commission members designated
18 in paragraph (2) shall serve at the pleasure of their respective
19 appointing authorities. However, in order to stagger the terms of
20 the public appointees, of the seven commission members
21 designated in paragraph (1), three shall initially be appointed to
22 terms of two years, two to terms of four years, and two to terms of
23 six years. If a vacancy occurs prior to the expiration of a term, the
24 appointing authority may appoint a member for the remainder of
25 the term. An individual whose term has expired may continue to
26 serve on the commission until his or her replacement has been
27 appointed.

28 (b) Any person appointed pursuant to this section may be
29 reappointed to serve additional terms. All terms subsequent to the
30 initial appointments, which become effective July 1, 2005, shall
31 begin on January 1 of the year in which the respective terms are to
32 commence.

33 (c) No person appointed pursuant to this section shall, with
34 respect to any matter before the commission, vote for, or on behalf
35 of, or in any way exercise the vote of, any other member of the
36 commission.

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



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

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

8 (g) Any person or entity authorized to appoint a member of the
9 commission under this section may appoint a person or persons
10 who served on the commission as it was constituted under former
11 Section 66901 prior to the repeal of that section on January 1,
12 2005.

13 66913. (a) The commission shall have an executive director,
14 appointed by, and serving at the pleasure of, the commission. The
15 executive director of the commission shall be exempt from civil
16 service pursuant to subdivision (e) of Section 4 of Article VII of
17 the California Constitution. The commission may delegate to the
18 executive director any power, duty, function, or jurisdiction that
19 the commission may lawfully delegate, including the authority to
20 enter into and sign contracts on behalf of the commission. The
21 executive director may delegate any of these powers, duties,
22 purposes, functions or jurisdictions to his or her designee, unless
23 by statute, rule, or regulation the executive director is expressly
24 required to act personally.

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



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

5 (c) The commission may appoint any subcommittee or
6 advisory committees that it deems necessary to advise the
7 commission. The advisory committees may consist of commission
8 members or nonmembers, who may include, but are not
9 necessarily limited to, students, faculty members, segmental
10 representatives, governmental representatives, and
11 representatives of the public.

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

15 66913.5. (a) Commencing on December 1, 2005, and on or
16 before December 1 of each year thereafter, the executive director
17 shall submit, to the Legislative Analyst and to the chairpersons of
18 the appropriate policy and fiscal committees of the respective
19 houses of the Legislature, a written strategic plan for the agency,
20 including specific goals and objectives, an assessment of the
21 progress made in achieving these goals and objectives, and an
22 assessment of the key issues in higher education to be considered
23 by the Legislature during that session.

24 (b) On or before March 1, 2007, and periodically thereafter, the
25 Legislative Analyst shall submit its written report to the
26 chairpersons of the appropriate policy and fiscal committees of the
27 respective houses of the Legislature on the effectiveness of the
28 commission's policy leadership, along with any recommendations
29 to improve the commission's ability to carry out its
30 responsibilities.

31 66914. (a) There is established a Policy Advisory Committee
32 to the Commission. This advisory committee shall consist of each
33 of the following:

34 (1) The President of the University of California, or his or her
35 designee.

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

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



1 (4) The Superintendent of Public Instruction, or his or her
2 designee.

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

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

8 (c) The responsibilities of the Policy Advisory Committee to
9 the Commission, the Executive Director, and the Deputy Director
10 for Policy and Planning include, but are not necessarily limited to,
11 all of the following:

12 (1) Identifying issues and problems that involve all of the
13 segments of higher education and elementary and secondary
14 education, and working to develop a common approach to
15 addressing major issues.

16 (2) Responding proactively to policy initiatives taken by the
17 commission, both by encouraging the segments to be active
18 participants in the conversation and by expressing the concerns of
19 the segments to the commission.

20 (3) Providing support and assistance for commission projects
21 and studies.

22 SEC. 4. Section 67002 of the Education Code is repealed.

