

AMENDED IN ASSEMBLY AUGUST 17, 2004

AMENDED IN ASSEMBLY JUNE 29, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 21, 2004

**SENATE BILL**

**No. 1331**

---

---

**Introduced by Senators Alpert and Scott**  
**(Principal coauthors: Senators Alarcon, McPherson, and**  
**Vasconcellos)**  
**(Principal coauthors: Assembly Members Daucher, Liu, and**  
**Steinberg)**

February 18, 2004

---

---

An act to amend Sections 66010.7 and 67380 of, to add Chapter 12.5 (commencing with Section 67100) to Part 40 of, to repeal Sections 69563 and 99155 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of, the Education Code, relating to postsecondary education accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1331, as amended, Alpert. Postsecondary education accountability: California Postsecondary Education Accountability Act of 2004.

(1) 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. Under existing law, there are

3 segments of the public higher education system in the state. These segments are the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. The independent segment of higher education in the state is represented by the Association of Independent California Colleges and Universities.

Provisions of the Donahoe Higher Education Act are applicable to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

Among other things, the act establishes the 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 add the California Postsecondary Accountability Act of 2004 to the Donahoe Higher Education Act. The bill would establish a statewide California Postsecondary Education Accountability (CPSEA) structure that would annually provide an assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians. The bill would specify the information to be collected through a statewide reporting system that the bill would establish.

This bill would require the Board of Governors of the California Community Colleges and the Trustees of the California State University, and would request the Regents of the University of California and the Association of Independent California Colleges and Universities, to provide annual reports to the Legislature, CPEC, and the Governor, by October 1 of each year, beginning October 1, 2005, to become part of the state accountability record.

This bill would require CPEC to administer the postsecondary education accountability structure established by the bill. The bill would require CPEC to provide to the Legislature and the Governor, by November 15 of each year, beginning November 15, 2005, a report that includes an analysis of the data collected pursuant to the bill and an assessment of the progress the state is making within each of several specified policy areas.

(2) Existing law establishes a higher education accountability program under which the University of California, the California State University, and the California Community Colleges are required to



prepare a list of reports on a regular basis to the Legislature and to state agencies. Under the program, commencing on November 15, 1994, and each November 15 thereafter, the CPEC is required to submit a higher education report to the Legislature and the Governor that provides information on significant indicators of the performance of the public colleges and universities.

This bill would repeal this program.

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 66010.7 of the Education Code is  
2 amended to read:  
3 66010.7. (a) The Legislature, through the enactment of this  
4 section, expresses its commitment to encourage and support  
5 collaboration and coordination among all segments of education.  
6 (b) Within the differentiation of segmental functions outlined  
7 in this article, the institutions of higher education shall undertake  
8 intersegmental collaboration and coordination particularly when  
9 it can do any of the following:  
10 (1) Enhance the achievement of the institutional missions  
11 shared by the segments.  
12 (2) Provide more effective planning of postsecondary  
13 education on a statewide basis.  
14 (3) Facilitate achievement of the goals of educational equity.  
15 (4) Enable public and independent higher education to meet  
16 more effectively the educational needs of a geographic region.  
17 (5) Facilitate student progress from one segment to another,  
18 particularly with regard to preparation of students for higher  
19 education as well as the transfer from the California Community  
20 Colleges to four-year institutions.  
21 (c) The leaders responsible for public and independent  
22 institutions of higher education and the Superintendent of Public  
23 Instruction shall work together to promote and facilitate the  
24 development of intersegmental programs and other cooperative  
25 efforts aimed at improving the progress of students through the  
26 educational systems and at strengthening the teaching profession  
27 at all levels.



1 SEC. 2. Chapter 12.5 (commencing with Section 67100) is  
2 added to Part 40 of the Education Code, to read:

3

4 CHAPTER 12.5. THE CALIFORNIA POSTSECONDARY EDUCATION  
5 ACCOUNTABILITY ACT OF 2004

6

7 67100. The Legislature finds and declares all of the  
8 following:

9 (a) Since the enactment of the Master Plan for Higher  
10 Education in 1960, California's system of postsecondary  
11 education has provided access and high quality educational  
12 opportunities that have fueled California's economic growth.

13 (b) A combination of factors now poses challenges for  
14 postsecondary education and for state policymakers in meeting the  
15 postsecondary education needs of Californians. Enrollment is  
16 growing, the demographics of the student body are changing, costs  
17 are rising, state support for postsecondary education is declining,  
18 student fees are increasing, access is being restricted, employers  
19 are expressing concerns about graduates' skills, and there is  
20 growing public demand to ensure that the state is making proper  
21 investments in postsecondary education.

22 (c) Although the public segments of postsecondary education  
23 have each developed their own institution-specific accountability  
24 efforts, they do not combine to reflect statewide policy goals that  
25 cut across all postsecondary education segments.

26 (d) In the absence of a statewide focus, the state has limited  
27 access to meaningful data that could serve as the basis for analysis  
28 on how the state is performing in key areas, and must make  
29 important fiscal and policy decisions without that knowledge.

30 67100.3. It is the intent of the Legislature that a postsecondary  
31 education accountability reporting structure contain all of the  
32 following elements:

33 (a) Be focused and strategic in its purpose.

34 (b) Be used wisely to serve as a tool to improve educational  
35 outcomes for Californians.

36 (c) Be used to support effective, data-driven policy and fiscal  
37 decisions.

38 (d) Acknowledge that not everything about the whole person  
39 can be measured, including the intangible learning capacities that  
40 students gain from college attendance.



1 (e) Recognize that students enter the system with different  
2 levels of preparation.

3 (f) Be used to identify and eliminate unnecessary and  
4 redundant reports submitted to the state by the various educational  
5 agencies and institutions to save resources, improve efficiency,  
6 and allow institutions to focus on their efforts on meeting state  
7 policy goals and their own related institutional goals.

8 (g) It is further the intent of the Legislature to eliminate,  
9 streamline, and reduce the frequency of reports that statutes  
10 require the California Postsecondary Education Commission  
11 (CPEC) to prepare that are either not appropriate to the central  
12 mission of CPEC or that do not address a critical state need in  
13 advancing public policy goals for higher education in California.

14 67100.5. (a) The State of California shall establish a  
15 statewide California Postsecondary Education Accountability  
16 (CPSEA) structure that provides the basis for an annual  
17 assessment of the progress made by the state's system of  
18 postsecondary education in meeting the educational needs of  
19 Californians.

20 (b) This CPSEA structure shall identify a select number of key  
21 indicators that measure progress toward four statewide public  
22 policy goals for postsecondary education in the following areas:

23 (1) Educational Opportunity:

24 (A) This goal envisions that all Californians have reasonable  
25 and equal opportunities to attend college.

26 (B) To measure progress in achieving this goal, the California  
27 Postsecondary Education Commission (CPEC) shall collect and  
28 analyze data on all of the following:

29 (i) College readiness among high school graduates.

30 (ii) College readiness among adults, including adult basic skills  
31 proficiency levels.

32 (iii) College affordability.

33 (2) Participation:

34 (A) This goal envisions that California higher education serve  
35 a large and diverse population.

36 (B) To measure progress in achieving this goal, CPEC shall  
37 collect and analyze data on all of the following:

38 (i) Postsecondary enrollment.

39 (ii) Capacity to serve eligible students.

40 (iii) Diversity of the college environment.



1 (3) Student Success:

2 (A) This goal envisions that California higher education  
3 prepare students well for life and work.

4 (B) To measure progress in achieving this goal, CPEC shall  
5 collect and analyze data on all of the following:

6 (i) Student success in completion of their educational goals,  
7 *including the use of available transition data.*

8 (ii) Student learning, as measured by indirect and direct  
9 measures, with the segments having the primary responsibility for  
10 collecting and analyzing direct measures of learning, including  
11 student success in acquiring core competencies.

12 (iii) Student and employer satisfaction.

13 (4) Public Benefits:

14 (A) This goal envisions that California higher education  
15 benefit the state and its people by providing meaningful  
16 participation in civic life and support of the state's economy.

17 (B) To measure progress in achieving this goal, CPEC shall  
18 collect and analyze data on all of the following:

19 (i) Personal income.

20 (ii) State economic development.

21 (iii) Social and civic life.

22 (c) The CPSEA structure shall establish a statewide reporting  
23 system that identifies a select number of key indicators to measure  
24 progress toward these state goals. The information provided by  
25 this system shall include all of the following:

26 (1) Statewide aggregate data, as described in this section.

27 (2) Regional data, reported by regions to be determined  
28 pursuant to advice from the CPSEA.

29 (3) Segmental data, provided by the public and independent  
30 nonprofit sectors pursuant to the process described in subdivision

31 (a).

32 (4) A system-specific annual report to the Governor and the  
33 Legislature.

34 (d) The data for the indicators shall be collected statewide from  
35 a variety of sources, including information provided by the  
36 segments and the institutions within these segments. Each  
37 indicator shall provide information by race and ethnicity, gender,  
38 Cal Grant recipient status, and socioeconomic status, to the extent  
39 to which data is available. The indicators shall be adopted by the  
40 California Postsecondary Education Commission, which shall



1 consult with representatives from the higher education segments,  
2 state policymakers, the business community, and higher education  
3 students and faculty in the development, adoption, and revision of  
4 the indicators.

5 (e) Data collection for the statewide reporting system shall be  
6 implemented in two phases. Phase I of implementation shall report  
7 on existing data elements identified for the system that are  
8 currently collected, and shall go into effect with the annual report  
9 due on October 1, 2005. Phase II of implementation shall include  
10 development of new data elements not currently available.  
11 Development of the new data elements in Phase II shall begin on  
12 October 1, 2006, and go into effect with the annual report due on  
13 October 1, 2008.

14 (f) The Board of Governors of the California Community  
15 Colleges and the Trustees of the California State University are  
16 required to, and the Regents of the University of California and the  
17 Association of Independent California Colleges and Universities  
18 are urged to, provide annual reports to the Legislature, the  
19 California Postsecondary Education Commission, and the  
20 Governor, by October 1 of each year, beginning October 1, 2005,  
21 to become part of the state accountability record. These annual  
22 reports shall provide a key link between the state postsecondary  
23 education accountability reporting structure and segmental  
24 accountability efforts. These annual reports shall include all of the  
25 following:

26 (1) The segment's main priorities for each of the state's goal  
27 areas.

28 (2) The major activities underway to address each priority.

29 (3) The performance indicators used to track progress toward  
30 each goal.

31 (4) Major highlights or issues from the data that have  
32 state-level significance.

33 (5) The segment's institutional goals for student learning  
34 outcomes, including core competencies and the capacity to learn;  
35 how they assess progress toward these goals; what they are  
36 learning from their assessments; and how they are using their  
37 assessments to improve learning.

38 67100.7. The CPSEA structure is guided by the following set  
39 of principles:



1 (a) A state-level accountability structure is designed to help  
2 policymakers develop, maintain, and fund a postsecondary  
3 education system that meets the state's goals, recognizes the  
4 differentiated missions of each segment of postsecondary  
5 education, and guides the segments toward maintaining effective  
6 institutions consistent with state goals and institutional missions.

7 (b) The CPSEA structure is designed to be simple, yet  
8 meaningful.

9 (c) Policymakers and governing boards are collectively  
10 accountable for meeting public goals for higher education.

11 (d) The state-level reporting system is designed to contain only  
12 data that helps policymakers to assess progress toward state goals  
13 and to make appropriate policy and funding decisions and  
14 interventions.

15 (e) *Monitoring progress toward state goals is largely the*  
16 *responsibility of state policymakers. Monitoring the performance*  
17 *of individual colleges and universities is primarily the*  
18 *responsibility of instructional governing boards.*

19 (f) The ongoing responsibility of the governing boards is to  
20 monitor and be accountable for the performance of individual  
21 colleges and universities for meeting statewide policy goals,  
22 segmental and institutional missions and goals, and for the quality  
23 of the education of its students.

24 ~~(f)~~

25 (g) The data shall be communicated publicly in a concise  
26 manner that conveys clearly the relevance of each measure to state  
27 policy and fiscal choices.

28 ~~(g)~~

29 (h) The data from each segment of postsecondary education  
30 shall be submitted electronically, and shall be compatible with  
31 guidelines established by the California Postsecondary Education  
32 Commission, in consultation with the segments.

33 67101. For the purposes of this chapter, the segments of  
34 postsecondary education are defined as the California Community  
35 Colleges, the California State University, the University of  
36 California, and the Association of Independent California  
37 Colleges and Universities.

38 67102. The California Postsecondary Education Commission  
39 (CPEC) shall be responsible for administering the postsecondary  
40 education accountability structure. In this capacity, CPEC shall



1 develop, and ~~periodically may revise~~, *in consultation with*  
2 *segmental representatives, periodically may revise, as necessary,*  
3 the data elements to be collected, and shall collect and interpret the  
4 data. CPEC shall provide an annual report to the Legislature and  
5 the Governor by November 15 of each year, beginning November  
6 15, 2005. The report shall include CPEC's independent  
7 assessment of the ~~process~~ *progress* being made at the statewide  
8 level for each of the policy indicators. The report may also include  
9 CPEC's comments on segmental implementation and oversight of  
10 the statewide accountability reporting. The report shall, at a  
11 minimum, include an analysis of key indicators, as specified by  
12 subdivision (b) of Section 67100.5, on a statewide, regional, and  
13 segmental basis as specified by Section 67100.5.

14 67103. In implementing the requirements of this chapter, the  
15 California Postsecondary Education Commission and any other  
16 affected state agency shall ensure that no additional mandates are  
17 imposed on local agencies. Any new activities required to  
18 implement this chapter shall be offset by a commensurate  
19 reduction in other existing redundant or unnecessary information  
20 requirements.

21 SEC. 3. Section 67380 of the Education Code is amended to  
22 read:

23 67380. (a) The governing board of each community college  
24 district, the Trustees of the California State University, the Board  
25 of Directors of the Hastings College of the Law, the Regents of the  
26 University of California, and the governing board of any  
27 postsecondary institution receiving public funds for student  
28 financial assistance shall do all of the following:

29 (1) Require the appropriate officials at each campus within  
30 their respective jurisdictions to compile records of both of the  
31 following:

32 (A) All occurrences reported to campus police, campus  
33 security personnel, or campus safety authorities of, and arrests for,  
34 crimes that are committed on campus and that involve violence,  
35 hate violence, theft or destruction of property, illegal drugs, or  
36 alcohol intoxication.

37 (B) All occurrences of noncriminal acts of hate violence  
38 reported to, and for which a written report is prepared by,  
39 designated campus authorities.



- 1 (2) Require any written record of a noncriminal act of hate  
2 violence to include, but not be limited to, the following:
- 3 (A) A description of the act of hate violence.  
4 (B) Victim characteristics.  
5 (C) Offender characteristics, if known.
- 6 (3) (A) Make the information concerning the crimes compiled  
7 pursuant to subparagraph (A) of paragraph (1) available within  
8 two business days following the request of any student or  
9 employee of, or applicant for admission to, any campus within  
10 their respective jurisdictions, or to the media, unless the  
11 information is the type of information exempt from disclosure  
12 pursuant to subdivision (f) of Section 6254 of the Government  
13 Code, in which case the information is not required to be disclosed.  
14 Notwithstanding paragraph (2) of subdivision (f) of Section 6254  
15 of the Government Code, the name of a victim of any crime  
16 defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286,  
17 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not  
18 be disclosed without the permission of the victim, or the victim's  
19 parent or guardian if the victim is a minor.
- 20 (B) For purposes of this paragraph and subparagraph (A) of  
21 paragraph (1), the campus police, campus security personnel, and  
22 campus safety authorities described in subparagraph (A) of  
23 paragraph (1) shall be included within the meaning of "state or  
24 local police agency" and "state and local law enforcement  
25 agency," as those terms are used in subdivision (f) of Section 6254  
26 of the Government Code.
- 27 (4) Require the appropriate officials at each campus within  
28 their respective jurisdictions to prepare, prominently post, and  
29 copy for distribution on request a campus safety plan that sets forth  
30 all of the following: the availability and location of security  
31 personnel, methods for summoning assistance of security  
32 personnel, any special safeguards that have been established for  
33 particular facilities or activities, any actions taken in the preceding  
34 18 months to increase safety, and any changes in safety precautions  
35 expected to be made during the next 24 months. For the purposes  
36 of this section, posting and distribution may be accomplished by  
37 including relevant safety information in a student handbook or  
38 brochure that is made generally available to students.
- 39 (b) Any person who is refused information required to be made  
40 available pursuant to subparagraph (A) of paragraph (1) of



1 subdivision (a) may maintain a civil action for damages against  
2 any institution that refuses to provide the information, and the  
3 court shall award that person an amount not to exceed one  
4 thousand dollars (\$1,000) if the court finds that the institution  
5 refused to provide the information.

6 (c) For purposes of this section, “hate violence” means any act  
7 of physical intimidation or physical harassment, physical force or  
8 physical violence, or the threat of physical force or physical  
9 violence, that is directed against any person or group of persons,  
10 or the property of any person or group of persons because of the  
11 ethnicity, race, national origin, religion, sex, sexual orientation,  
12 disability, or political or religious beliefs of that person or group.

13 (d) This section does not apply to the governing board of any  
14 private postsecondary institution receiving funds for student  
15 financial assistance with a full-time enrollment of less than 1,000  
16 students.

17 (e) This section shall apply to a campus of one of the public  
18 postsecondary educational systems identified in subdivision (a)  
19 only if that campus has a full-time equivalent enrollment of more  
20 than 1,000 students.

21 (f) Notwithstanding any other provision of this section, this  
22 section shall not apply to the California Community Colleges  
23 unless and until the Legislature makes funds available to the  
24 California Community Colleges for the purposes of this section.

25 SEC. 4. Section 69563 of the Education Code is repealed.

26 SEC. 5. Section 99155 of the Education Code is repealed.

27 SEC. 6. Chapter 4.5 (commencing with Section 99180) of  
28 Part 65 of the Education Code is repealed.

