

AMENDED IN ASSEMBLY JUNE 26, 2008

AMENDED IN ASSEMBLY MAY 29, 2008

AMENDED IN SENATE JANUARY 7, 2008

SENATE BILL

No. 361

Introduced by Senator Scott

February 20, 2007

~~An act to amend Section 473.3 of the Business and Professions Code, to amend~~ *An act to amend* Section 67380 of, to add ~~Section~~ *Sections* 66902.5 and 66903.1 to, and to repeal Sections 69563 and 99155 of, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Scott. Postsecondary education: California Postsecondary Education Commission.

~~(1) Existing law creates various boards, bureaus, and programs to license and regulate professions and vocations and other matters. Existing law establishes the Joint Committee on Boards, Commissions, and Consumer Protection and requires the committee, in cooperation with the California Postsecondary Education Commission, to hold public hearings to evaluate the Bureau for Private Postsecondary and Vocational Education and determine whether the bureau has demonstrated a need for its continued existence.~~

This bill would delete the requirement that the committee complete this work in cooperation with the California Postsecondary Education Commission.

~~(2)~~

(1) Existing law establishes the California Postsecondary Education Commission (CPEC) as the statewide postsecondary education

coordinating and planning agency and provides for its functions and responsibilities.

~~This~~

This bill would require, unless otherwise specified, that reports submitted to the Legislature by the commission be submitted to the Senate and Assembly budget subcommittees on education, the Senate education and Assembly higher education subcommittees, the Legislative Analyst's Office, the office of the Secretary for Education, and the Department of Finance. This bill would, when would, if full funding is not provided in the annual ~~budget act~~ Budget Act, require the commission to prioritize its workload to ensure, at a minimum, that specified responsibilities are completed in a timely manner.

(3)

(2) Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance to compile records and safety plans relating to campus security, submit a report of this information to the Legislature and the Governor, and establish guidelines for identifying and reporting occurrences of hate violence.

This bill would require the commission to make these reports available to the Legislature and the general public on its Internet Web site and would delete the requirements that the guidelines be developed in consultation with the commission and that ~~it~~ they include specified elements.

(4)

(3) Existing law establishes the Student Opportunity and Access Program, administered by the Student Aid Commission, to increase postsecondary educational opportunities, improve students' access to higher education, and reduce the duplication of services by coordinating outreach efforts. The CPEC is required to periodically review and evaluate the program as part of its regular assessment of student academic development programs in the state.

This bill would delete the requirement that the CPEC review and evaluate the program.

(5)

(4) Existing law requires the CPEC to prepare and submit a biennial report regarding standardized tests of the state's test subjects to the

Governor, the Legislature, the Regents of the University of California, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction.

This bill would delete this requirement.

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. *It is the intent of the Legislature that the need for*
2 *recurring reports from the California Postsecondary Education*
3 *Commission be met through clear reporting requirements*
4 *established in statute. Accordingly, it is the intent of the Legislature*
5 *that noncodified requests for reports from the commission adopted*
6 *prior to 2008, including those taking the form of provisional or*
7 *supplemental language in Budget Acts adopted prior to 2008, shall*
8 *no longer be in effect. This act does not prevent the Legislature*
9 *from adopting new reporting requirements of any kind.*

10 SEC. 2. *Section 66902.5 is added to the Education Code, to*
11 *read:*

12 66902.5. *Unless otherwise specified, reports submitted to the*
13 *Legislature by the California Postsecondary Education*
14 *Commission shall be delivered to the Senate and Assembly budget*
15 *subcommittees on education, the Senate education and Assembly*
16 *higher education policy committees, the Legislative Analyst’s*
17 *Office, the office of the Secretary for Education, and the*
18 *Department of Finance. Unless otherwise specified, these reports*
19 *may be submitted in PDF format or comparable electronic format.*

20 ~~SECTION 1. Section 473.3 of the Business and Professions~~
21 ~~Code is amended to read:~~

22 ~~473.3. (a) Prior to the termination, continuation, or~~
23 ~~reestablishment of any board or any of the board’s functions, the~~
24 ~~Joint Committee on Boards, Commissions, and Consumer~~
25 ~~Protection shall, during the interim recess preceding the date upon~~
26 ~~which a board becomes inoperative, hold public hearings to receive~~
27 ~~testimony from the Director of Consumer Affairs, the board~~
28 ~~involved, and the public and regulated industry. In that hearing,~~
29 ~~each board shall have the burden of demonstrating a compelling~~
30 ~~public need for the continued existence of the board or regulatory~~

1 program, and that its licensing function is the least restrictive
2 regulation consistent with the public health, safety, and welfare.

3 (b) ~~In addition to subdivision (a), in 2002 and every four years~~
4 ~~thereafter, the committee shall hold a public hearing to receive~~
5 ~~testimony from the Director of Consumer Affairs, the Bureau for~~
6 ~~Private Postsecondary and Vocational Education, private~~
7 ~~postsecondary educational institutions regulated by the bureau,~~
8 ~~and students of those institutions. In those hearings, the bureau~~
9 ~~shall have the burden of demonstrating a compelling public need~~
10 ~~for the continued existence of the bureau and its regulatory~~
11 ~~program, and that its function is the least restrictive regulation~~
12 ~~consistent with the public health, safety, and welfare.~~

13 (e) ~~The committee shall evaluate and review the effectiveness~~
14 ~~and efficiency of the Bureau for Private Postsecondary and~~
15 ~~Vocational Education, based on factors and minimum standards~~
16 ~~of performance that are specified in Section 473.4. The committee~~
17 ~~shall report its findings and recommendations as specified in~~
18 ~~Section 473.5. The bureau shall prepare an analysis and submit a~~
19 ~~report to the committee as specified in Section 473.2.~~

20 (d) ~~In addition to subdivision (a), in 2003 and every four years~~
21 ~~thereafter, the committee shall hold a public hearing to receive~~
22 ~~testimony from the Director of Consumer Affairs and the Bureau~~
23 ~~of Automotive Repair. In those hearings, the bureau shall have the~~
24 ~~burden of demonstrating a compelling public need for the continued~~
25 ~~existence of the bureau and its regulatory program, and that its~~
26 ~~function is the least restrictive regulation consistent with the public~~
27 ~~health, safety, and welfare.~~

28 (e) ~~The committee shall evaluate and review the effectiveness~~
29 ~~and efficiency of the Bureau of Automotive Repair based on factors~~
30 ~~and minimum standards of performance that are specified in~~
31 ~~Section 473.4. The committee shall report its findings and~~
32 ~~recommendations as specified in Section 473.5. The bureau shall~~
33 ~~prepare an analysis and submit a report to the committee as~~
34 ~~specified in Section 473.2.~~

35 ~~SEC. 2.~~

36 ~~SEC. 3.~~ Section 66903.1 is added to the Education Code, to
37 read:

38 66903.1. (a) ~~To the extent that the functions and tasks assigned~~
39 ~~to the California Postsecondary Education Commission by state~~
40 ~~law cannot all be performed with the funding provided in the~~

1 annual Budget Act, it is the intent of the Legislature that the
2 commission prioritize its workload to ensure, at a minimum, that
3 the following responsibilities are completed in a timely manner:

4 ~~(1)~~

5 (a) All reviews and recommendations of the need for new
6 institutions for the public higher education segments, inclusive of
7 community colleges, pursuant to subdivision (e) of Section 66903.

8 ~~(2)~~

9 (b) All reviews and recommendations of the need for new
10 programs for the public higher education segments, inclusive of
11 community colleges, pursuant to subdivision (f) of Section 66903.

12 ~~(3)~~

13 (c) Consistent with the role of the commission pursuant to
14 Section 67002, serve as the designated state educational agency
15 to carry out federal education programs, pursuant to subdivision
16 (o) of Section 66903.

17 ~~(4)~~

18 (d) All data management responsibilities pursuant to subdivision
19 (m) of Section 66903 and data reporting pursuant to the adoption
20 of legislation that establishes a higher education accountability
21 framework.

22 ~~SEC. 3.~~

23 *SEC. 4.* Section 67380 of the Education Code is amended to
24 read:

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

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

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

38 (B) All occurrences of noncriminal acts of hate violence reported
39 to, and for which a written report is prepared by, designated campus
40 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) 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 employee
9 of, or applicant for admission to, any campus within their respective
10 jurisdictions, or to the media, unless the information is the type of
11 information exempt from disclosure pursuant to subdivision (f) of
12 Section 6254 of the Government Code, in which case the
13 information is not required to be disclosed. Notwithstanding
14 paragraph (2) of subdivision (f) of Section 6254 of the Government
15 Code, the name of a victim of any crime defined by Section 261,
16 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6,
17 422.7, or 422.75 of the Penal Code shall not be disclosed without
18 the permission of the victim, or the victim's parent or guardian if
19 the victim is a minor.

20 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 agency,"
25 as those terms are used in subdivision (f) of Section 6254 of the
26 Government Code.

27 (4) Require the appropriate officials at each campus within their
28 respective jurisdictions to prepare, prominently post, and copy for
29 distribution on request a campus safety plan that sets forth all of
30 the following: the availability and location of security personnel,
31 methods for summoning assistance of security personnel, any
32 special safeguards that have been established for particular facilities
33 or activities, any actions taken in the preceding 18 months to
34 increase safety, and any changes in safety precautions expected to
35 be made during the next 24 months. For the purposes of this
36 section, posting and distribution may be accomplished by including
37 relevant safety information in a student handbook or brochure that
38 is made generally available to students.

39 (5) Require the appropriate officials at each campus within their
40 respective jurisdictions to report information compiled pursuant

1 to paragraph (1) relating to hate violence to the governing board,
2 trustees, board of directors, or regents, as the case may be. The
3 governing board, trustees, board of directors, or regents, as the
4 case may be, shall, upon collection of that information from all of
5 the campuses within their jurisdiction, transmit a report containing
6 a compilation of that information to the California Postsecondary
7 Education Commission no later than January 1 of each year,
8 commencing January 1, 1993. The commission shall make these
9 reports available to the Legislature and the general public on its
10 Internet Web site. It is the intent of the Legislature that the
11 governing board of each community college district, the Trustees
12 of the California State University, the Board of Directors of the
13 Hastings College of the Law, the Regents of the University of
14 California, and the governing board of any postsecondary
15 institution receiving public funds for student financial assistance
16 establish guidelines for identifying and reporting occurrences of
17 hate violence. It is the intent of the Legislature that the guidelines
18 established by these institutions of higher education be as consistent
19 with each other as possible. These guidelines shall be developed
20 in consultation with the Department of Fair Employment and
21 Housing and the California Association of Human Rights
22 Organizations.

23 (b) Any person who is refused information required to be made
24 available pursuant to subparagraph (A) of paragraph (1) of
25 subdivision (a) may maintain a civil action for damages against
26 any institution that refuses to provide the information, and the
27 court shall award that person an amount not to exceed one thousand
28 dollars (\$1,000) if the court finds that the institution refused to
29 provide the information.

30 (c) For purposes of this section, “hate violence” means any act
31 of physical intimidation or physical harassment, physical force or
32 physical violence, or the threat of physical force or physical
33 violence, that is directed against any person or group of persons,
34 or the property of any person or group of persons because of the
35 ethnicity, race, national origin, religion, sex, sexual orientation,
36 disability, or political or religious beliefs of that person or group.

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

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

5 (f) Notwithstanding any other provision of this section, this
6 section shall not apply to the California Community Colleges
7 unless and until the Legislature makes funds available to the
8 California Community Colleges for the purposes of this section.

9 ~~SEC. 4.~~

10 *SEC. 5.* Section 69563 of the Education Code is repealed.

11 ~~SEC. 5.~~

12 *SEC. 6.* Section 99155 of the Education Code is repealed.