

Senate Bill No. 361

CHAPTER 514

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

[Approved by Governor September 28, 2008. Filed with
Secretary of State September 28, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

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

(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 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, if full funding is not provided in the annual Budget Act, require the commission to prioritize its workload to ensure, at a minimum, that specified responsibilities are completed in a timely manner.

(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 they include specified elements.

(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.

(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.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature that the need for recurring reports from the California Postsecondary Education Commission be met through clear reporting requirements established in statute. Accordingly, it is the intent of the Legislature that noncodified requests for reports from the commission adopted prior to 2008, including those taking the form of provisional or supplemental language in Budget Acts adopted prior to 2008, shall no longer be in effect. This act does not prevent the Legislature from adopting new reporting requirements of any kind.

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

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

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

66903.1. To the extent that the functions and tasks assigned to the California Postsecondary Education Commission by state law cannot all be performed with the funding provided in the annual Budget Act, it is the intent of the Legislature that the commission prioritize its workload to ensure, at a minimum, that the following responsibilities are completed in a timely manner:

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

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

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

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

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

67380. (a) 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 shall do all of the following:

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

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

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

(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:

(A) A description of the act of hate violence.

(B) Victim characteristics.

(C) Offender characteristics, if known.

(3) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding paragraph (2) of subdivision (f) of Section 6254 of the Government Code, the name of a victim of any crime defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or local police agency" and "state and local law enforcement agency," as those terms are used in subdivision (f) of Section 6254 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including

relevant safety information in a student handbook or brochure that is made generally available to students.

(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, transmit a report containing a compilation of that information to the California Postsecondary Education Commission no later than January 1 of each year, commencing January 1, 1993. The commission shall make these reports available to the Legislature and the general public on its Internet Web site. It is the intent of the Legislature that 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 establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the Department of Fair Employment and Housing and the California Association of Human Rights Organizations.

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

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

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

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

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

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

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

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