

**ASSEMBLY BILL**

**No. 1348**

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**Introduced by Assembly Member John A. Pérez**

February 22, 2013

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An act to add Chapter 7.5 (commencing with Section 66550) to, and to repeal Chapter 11 (commencing with Section 66900) of, Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1348, as introduced, John A. Pérez. Postsecondary education: California Higher Education Authority.

Existing law establishes the system of postsecondary education in this state, consisting of 4 segments: the University of California, the California State University, the California Community Colleges, and independent institutions of higher education, as defined. Existing law establishes the California Postsecondary Education Commission (CPEC) to be responsible for coordinating public, independent, and private postsecondary education in this state and to provide independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues. The Budget Act of 2011 deleted funding and personnel from CPEC.

This bill would repeal the provisions establishing and providing for the duties of CPEC, and would establish the California Higher Education Authority, under the administration of a 13-member board of directors. The bill would specify the appointing authorities and the length of the terms of the members of the board of directors. The bill would also set forth the responsibilities of the authority relating to public and private postsecondary education in this state.

Among other duties, the authority would be responsible for developing, presenting, and monitoring postsecondary education goals for the state, including, but not necessarily limited to, monitoring and reporting on the progress of the postsecondary segments toward their long-term goals; measuring, and reporting about, how efficiently and effectively the postsecondary segments are serving the state’s needs; making recommendations about how to improve the performance of the postsecondary segments; developing and recommending strategic finance policy to the Governor and the Legislature on topics including, but not necessarily limited to, the allocation of state appropriations among the postsecondary education segments, student fee policy, and student financial aid; developing and presenting basic policy parameters for capacity development or realignment, including, but not necessarily limited to, expansion or realignment of enrollment capacity among or within the postsecondary education segments, to meet the state’s higher education goals; reviewing, and making recommendations to the Governor and the Legislature relating to, major capacity decisions, such as changes in mission or the establishment of new campuses or centers, that are to be financed with state appropriations or state-approved student fees; and acting as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies, and succeeding to certain data management responsibilities of CPEC by developing and maintaining a comprehensive database in accordance with prescribed criteria.

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 . Chapter 7.5 (commencing with Section 66550)  
 2 is added to Part 40 of Division 5 of Title 3 of the Education Code,  
 3 to read:  
 4  
 5 CHAPTER 7.5. CALIFORNIA HIGHER EDUCATION AUTHORITY  
 6  
 7 66550. (a) The California Higher Education Authority is  
 8 hereby established. The authority shall be governed by a  
 9 13-member board of directors, who shall be appointed in  
 10 accordance with the following:

1 (1) (A) Nine representatives of the general public appointed as  
2 follows:

3 (i) Three members appointed by the Governor subject to  
4 confirmation by a majority of the membership of the Senate.

5 (ii) Three members appointed by the Speaker of the Assembly.

6 (iii) Three members appointed by the Senate Committee on  
7 Rules.

8 (B) The members initially appointed to the board of directors  
9 under this paragraph shall serve staggered terms. Each of the  
10 appointing entities in subparagraph (A) shall use one of their three  
11 appointments to appoint a member for a two-year term  
12 commencing on July 1, 2014, and ending on June 30, 2016, one  
13 of their appointments to appoint a member for a four-year term  
14 commencing on July 1, 2014, and ending on June 30, 2018, and  
15 one of their appointments to appoint a member for a six-year term  
16 commencing on July 1, 2014, and ending on June 30, 2020. After  
17 the terms specified in this subparagraph have ended, all subsequent  
18 appointments to the authority under this paragraph shall be for  
19 six-year terms.

20 (C) A member appointed to the board of directors under this  
21 paragraph may be reappointed for an additional term or terms.

22 (D) No member appointed to the board of directors under this  
23 paragraph may be an employee of a postsecondary institution in  
24 this state or hold an official position, such as trustee or regent, with  
25 a postsecondary institution in this state.

26 (2) (A) Four representatives of the students of the postsecondary  
27 education segments appointed for one-year terms, commencing  
28 on July 1, 2014, as follows:

29 (i) One student of a campus of the California Community  
30 Colleges, who shall have at least second year standing at that  
31 campus, selected by the Governor from lists of names of at least  
32 two, but not more than five, persons furnished by the governing  
33 board of any statewide student organization that represents the  
34 students of the California Community Colleges and the student  
35 body organizations of the campuses of the California Community  
36 Colleges.

37 (ii) One student of a campus of the California State University,  
38 who shall have at least junior year standing at that campus, selected  
39 by the Governor from lists of names of at least two, but not more  
40 than five, persons furnished by the governing board of any

1 statewide student organization that represents the students of the  
 2 California State University and the student body organizations of  
 3 the campuses of the California State University.

4 (iii) One student of a campus of the University of California,  
 5 who shall have at least junior year standing at that campus, selected  
 6 by the Governor from lists of names of at least two, but not more  
 7 than five, persons furnished by the governing board of any  
 8 statewide student organization that represents the students of the  
 9 University of California and the student body organizations of the  
 10 campuses of the University of California.

11 (iv) One student of a member institution of the Association of  
 12 Independent California Colleges and Universities, selected by the  
 13 Governor from lists of names of at least two, but not more than  
 14 five, persons furnished by the chief executive officer of the  
 15 Association of Independent California Colleges and Universities.

16 (B) A member appointed to the board of directors under this  
 17 paragraph may be reappointed for an additional term, as long as  
 18 he or she remains a student enrolled at a campus of the  
 19 postsecondary education segment that he or she represents.

20 (b) Each of the 13 members of the board of directors shall be a  
 21 voting member. The members of the board of directors shall elect  
 22 a chairperson from their membership.

23 (c) It is the intent of the Legislature that the appointment process  
 24 of the first members of the board of directors be completed before  
 25 July 1, 2014, so that the first meeting of the board of directors may  
 26 be convened as soon as possible after the terms of the initial  
 27 members commence on July 1, 2014.

28 (d) Each member of the board of directors shall receive actual  
 29 and necessary travel expenses and one hundred dollars (\$100) for  
 30 each day he or she is attending to the official business of the  
 31 authority.

32 66551. (a) The board of directors shall be authorized to enter  
 33 into agreements with any public or private agency, officer, person,  
 34 institution, corporation, association, or foundation for the  
 35 performance of acts or for the furnishing of services, facilities,  
 36 materials, goods, supplies, or equipment.

37 (b) The authority shall have all of the following responsibilities:

38 (1) Developing, presenting, and monitoring postsecondary  
 39 education goals for the state, including, but not necessarily limited

1 to, monitoring and reporting on the progress of the postsecondary  
2 segments toward their long-term goals.

3 (2) Measuring, and reporting about, how efficiently and  
4 effectively the postsecondary education segments are serving the  
5 state's needs.

6 (3) Making recommendations about how to improve the  
7 performance of the postsecondary education segments.

8 (4) Pursuing an integrated approach to the state's overall  
9 postsecondary education policy by including private postsecondary  
10 education within its jurisdiction.

11 (5) Exercising an oversight and advisory role in postsecondary  
12 education capital outlay decisions.

13 (6) Developing information in order to assist state and local  
14 policymakers and consumers in making cost-effective investments  
15 in postsecondary education and training to meet the long-term goal  
16 of a strong state economy and vibrant communities.

17 (7) Developing and recommending strategic finance policy to  
18 the Governor and the Legislature on topics including, but not  
19 necessarily limited to, the allocation of state appropriations among  
20 the postsecondary education segments, student fee policy, and  
21 student financial aid.

22 (8) Developing and presenting basic policy parameters for  
23 capacity development or realignment, including, but not necessarily  
24 limited to, expansion or realignment of enrollment capacity among  
25 or within the postsecondary education segments, to meet the state's  
26 higher education goals.

27 (9) Reviewing, and making recommendations to the Governor  
28 and the Legislature relating to, major capacity decisions, such as  
29 changes in mission or the establishment of new campuses or  
30 centers, that are to be financed with state appropriations or  
31 state-approved student fees.

32 (10) (A) Acting as a clearinghouse for postsecondary education  
33 information and as a primary source of information for the  
34 Legislature, the Governor, and other agencies, and developing and  
35 maintaining a comprehensive database that does all of the  
36 following:

37 (i) Ensures comparability of data from diverse sources.

38 (ii) Supports longitudinal studies of individual students as they  
39 progress through the state's postsecondary educational institutions,

1 based upon the authority's existing student database through the  
2 use of a unique student identifier.

3 (iii) Is compatible with the California School Information  
4 System and the student information systems developed and  
5 maintained by the public segments of higher education, as  
6 appropriate.

7 (iv) Provides Internet access to data, as appropriate, to the  
8 sectors of higher education.

9 (v) Provides each of the postsecondary educational segments  
10 access to the data made available to the authority for purposes of  
11 the database, in order to support, most efficiently and effectively,  
12 statewide, segmental, and individual campus educational research  
13 information needs.

14 (B) The authority, in implementing this paragraph, shall comply  
15 with the federal Family Educational Rights and Privacy Act of  
16 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of personally  
17 identifiable information concerning students.

18 (C) The authority may not make available any personally  
19 identifiable information received from a postsecondary educational  
20 institution concerning students for any regulatory purpose unless  
21 the institution has authorized the authority to provide that  
22 information on behalf of the institution.

23 (D) The authority shall provide 30-day notification to the  
24 chairpersons of the appropriate legislative policy and budget  
25 committees of the Legislature, to the Director of Finance, and to  
26 the Governor before making any significant changes to the student  
27 information contained in the database.

28 66552. The board of directors shall appoint an executive officer  
29 of the authority, who shall serve at the pleasure of the board of  
30 directors. The executive officer shall be authorized to appoint  
31 additional staff of the authority as necessary.

32 66553. Notwithstanding any other law:

33 (a) On and after July 1, 2014, the authority shall succeed to the  
34 data management responsibilities granted to the former California  
35 Postsecondary Education Commission pursuant to subdivision (m)  
36 of former Section 66903 as it existed on December 31, 2013, and  
37 as currently set forth in paragraph (10) of subdivision (b) of Section  
38 66551. The authority may disclose, or dispose of, data it receives  
39 or maintains under this section only as specifically authorized to  
40 do so in paragraph (10) of subdivision (b) of Section 66551.

1 (b) The authority is authorized to require the governing boards  
2 and the institutions of public postsecondary education to submit  
3 data on plans and programs, costs, selection and retention of  
4 students, enrollments, plant capacities, and other matters pertinent  
5 to effective planning, policy development, and articulation and  
6 coordination, and shall furnish information concerning these  
7 matters to the Governor and to the Legislature as requested by  
8 them.

9 SEC. 2. Chapter 11 (commencing with Section 66900) of Part  
10 40 of Division 5 of Title 3 of the Education Code is repealed.

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