

AMENDED IN SENATE JUNE 26, 2014

AMENDED IN SENATE JUNE 9, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2736

Introduced by Committee on Higher Education (Assembly Members Williams (Chair), Chávez (Vice Chair), Bloom, Fong, Jones-Sawyer, Levine, Linder, Medina, Olsen, Quirk-Silva, Weber, and Wilk)

February 26, 2014

An act to amend Sections 89007.7, 89282, 89300, and 89720 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2736, as amended, Committee on Higher Education. Postsecondary education: California State University.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Existing law requires, commencing on January 1, 2014, and every 2 years thereafter, that the Legislative Analyst's Office, in consultation with the university, submit a report to the Legislature including specified data relating to the California State University Early Start Program. Existing law makes these provisions regarding the Early Start Program inoperative on January 1, 2018.

This bill would require the Legislative Analyst's Office to submit that report no later than July 1 of each even-numbered year, and change

the inoperative date for the above provisions regarding the Early Start Program to July 1, 2018.

(2) Existing law authorizes the California State University to establish a Doctor of Nursing Practice degree pilot program at 3 campuses chosen by the trustees to award the Doctor of Nursing Practice degree. Existing law requires the university, the Legislative Analyst's Office, and the Department of Finance to jointly conduct a statewide evaluation of the degree pilot program and report the results to the Legislature and the Governor on or before January 1, 2017. Existing law requires that evaluation to consider specified information, including the number of Doctor of Nursing Practice degree pilot programs implemented, and information regarding the number of applicants, admissions, enrollments, degree recipients, time-to-degree, attrition, and public school and community college program partners.

This bill would delete the requirement that the evaluation include information regarding public school and community college program partners, make nonsubstantive changes to these evaluation provisions, and repeal these evaluation provisions on January 1, 2021.

(3) Existing law provides that a student body organization may be established at any campus of the California State University under the supervision of the university officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the university. Existing law authorizes the trustees to fix fees for voluntary membership in an organization established at a campus, and sets forth specified requirements for the setting of mandatory student body organization membership fees for student body organizations established at a campus.

This bill would authorize the trustees to fix fees *a fee* for voluntary membership in a student body organization established at a campus or in a specified statewide student body organization, ~~would describe the conditions when a membership fee is voluntary, and would make nonsubstantive changes in the provisions relating to mandatory membership fees.~~ *organization. This bill would require the trustees to provide students the ability to affirmatively elect to pay the fee, or a clear and unambiguous means to decline payment of the fee, each time the fee is assessed.*

(4) Existing law authorizes the trustees to accept on behalf of the state any gifts, bequests, devises, or donations of real property whenever the gift and terms and conditions thereof will aid in carrying out the primary functions of the California State University. Existing law

authorizes the trustees to sell or exchange real property interests in accordance with specified requirements. Existing law requires these gifts, bequests, devises, donations of real property, or sales or exchanges of real property interests to be annually reported to the California Postsecondary Education Commission, the Joint Legislative Budget Committee, and the Department of Finance by January 5 of each year.

This bill would change that annual reporting date to January 31 of each year, and would provide for the report to be made to a successor agency to the California Postsecondary Education Commission as an alternative to the commission.

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 89007.7 of the Education Code is
2 amended to read:

3 89007.7. (a) The Legislature finds and declares that the
4 California State University Early Start Program was adopted
5 pursuant to Executive Order No. 1048 at the May 2010 meeting
6 of the Trustees of the California State University (CSU) with the
7 stated goal of facilitating a student's graduation through changes
8 in policies on fulfilling entry-level proficiencies in mathematics
9 and English.

10 (b) Commencing on January 1, 2014, and on or before July 1
11 every even-numbered year thereafter, the Legislative Analyst's
12 Office, in consultation with CSU, shall submit a report to the
13 Legislature detailing the impact of the CSU Early Start Program
14 on student mathematics and English proficiency. The report to the
15 Legislature required by this subdivision shall include, but not
16 necessarily be limited to, all of the following:

17 (1) Information on how the CSU Early Start Program increases
18 successful remediation rates as compared to the remediation rates
19 that existed in the 2010–11 academic year.

20 (2) Information on how the CSU Early Start Program expedites
21 the student remediation process, or otherwise reduces the length
22 of time that students spend on remediation.

23 (3) Demographic information on participants in the CSU Early
24 Start Program, including information relating to race or ethnicity,

1 eligibility for financial aid, geographic origins, and other pertinent
 2 data.

3 (4) The number of enrollees in the CSU Early Start Program,
 4 counted statewide and by campus, including the number who
 5 eventually earned credit from the program.

6 (5) As observed one year after participating in the CSU Early
 7 Start Program, counted statewide and by campus, how many
 8 enrollees became proficient, how many did not remediate
 9 successfully, and how many were disenrolled from CSU.

10 (c) This section shall remain in effect only until July 1, 2018,
 11 and as of that date is repealed, unless a later enacted statute, that
 12 is enacted before January 1, 2019, deletes or extends that date.

13 SEC. 2. Section 89282 of the Education Code is amended to
 14 read:

15 89282. (a) The California State University (CSU), the
 16 Legislative Analyst’s Office, and the Department of Finance shall
 17 jointly conduct a statewide evaluation of CSU Doctor of Nursing
 18 Practice degree pilot programs authorized pursuant to Section
 19 89281 and implemented under this article. The results of the
 20 evaluation shall be reported, in writing, to the Legislature and the
 21 Governor on or before January 1, 2017. The evaluation shall
 22 consider all of the following:

23 (1) The number of Doctor of Nursing Practice degree pilot
 24 programs implemented, including information regarding the
 25 number of applicants, admissions, enrollments, degree recipients,
 26 time-to-degree, and attrition.

27 (2) The extent to which the post-master’s degree pilot programs
 28 are fulfilling identified state needs for training doctorally prepared
 29 nurses.

30 (3) Statewide supply and demand data that considers capacity
 31 at the University of California and in California’s independent
 32 colleges and universities.

33 (4) Information on the place of employment of students and the
 34 subsequent job placement of graduates.

35 (5) Any available evidence on the effects that the graduates of
 36 the degree pilot program are having on addressing the state’s
 37 nursing shortage.

38 (6) Pilot program costs and the fund sources that were used to
 39 finance the program, including a calculation of cost per degree
 40 awarded.

1 (7) The costs of the degree pilot program to students, the amount
2 of financial aid offered, and student debt levels of graduates of the
3 program.

4 (8) The extent to which the degree pilot program is in
5 compliance with the requirements of this article.

6 (9) Recommendations for the degree pilot program, including
7 whether the program should be continued or modified.

8 (b) (1) A report to be submitted pursuant to subdivision (a)
9 shall be submitted in compliance with Section 9795 of the
10 Government Code.

11 (2) This section shall remain in effect only until January 1, 2021,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2021, deletes or extends that date.

14 ~~SEC. 3. Section 89300 of the Education Code is amended to~~
15 ~~read:~~

16 ~~89300. A student body organization may be established at any~~
17 ~~state university under the supervision of the university officials~~
18 ~~for the purpose of providing essential activities closely related to,~~
19 ~~but not normally included as a part of, the regular instructional~~
20 ~~program of the university. The organization may also operate a~~
21 ~~campus store, a cafeteria, and other projects not inconsistent with~~
22 ~~the purposes of the university, and property of the university may~~
23 ~~be leased to the organization for those purposes.~~

24 ~~The trustees may fix fees for voluntary membership in a student~~
25 ~~body organization established at a state university campus or in~~
26 ~~the statewide student organization referenced in paragraph (2) of~~
27 ~~subdivision (b) of Section 66602. For purposes of this section, a~~
28 ~~fee is voluntary if a student has either the ability to affirmatively~~
29 ~~elect to pay the fee or a clear and unambiguous means to decline~~
30 ~~the payment of the fee each time the fee is assessed.~~

31 ~~Notwithstanding any law to the contrary, if a student body~~
32 ~~organization is established at any state university campus, upon~~
33 ~~the favorable vote of two-thirds of the students voting in an election~~
34 ~~held for this purpose, in a manner that the trustees shall prescribe,~~
35 ~~and open to all regular students enrolled in the university, the~~
36 ~~trustees shall fix a mandatory membership fee which shall be~~
37 ~~required of all regular, limited, and special session students~~
38 ~~attending the university. No fees shall be charged to students~~
39 ~~registering solely in extension classes.~~

1 The trustees may approve an increase or decrease in a mandatory
2 student body organization fee only after the fee increase or decrease
3 has been approved by a majority of students voting in a referendum
4 established for that purpose.

5 A mandatory student body organization fee shall be subject to
6 referendum at any time upon the presentation of a petition to the
7 president of the university containing the signatures of 10 percent
8 of the regularly enrolled students at the university. A successful
9 referendum shall take effect with the beginning of the academic
10 year following that in which the election was held.

11 Payment of mandatory membership fees pursuant to this section
12 shall be a prerequisite to enrollment in the university, except that
13 if sufficient funds are available, any state university student, subject
14 to the regulations of the trustees establishing standards in that
15 regard, may agree to work off the amount of the fee at the
16 prevailing rate of the university for student assistants. The trustees
17 may adopt regulations setting standards for determining which
18 students shall be eligible to work off the amount of the fee.

19 The revenues raised pursuant to this section may, in addition to
20 expenditures for other lawful purposes involved in the operations
21 of the student body organization, be expended to provide for the
22 support of governmental affairs representatives who may be
23 attending upon the State Legislature or upon offices and agencies
24 in the executive branch of the state government.

25 *SEC. 3. Section 89300 of the Education Code is amended to*
26 *read:*

27 89300. (a) A student body organization may be established
28 at any state university under the supervision of the university
29 officials for the purpose of providing essential activities closely
30 related to, but not normally included as a part of, the regular
31 instructional program of the university. The organization may also
32 operate a campus store, a cafeteria, and other projects not
33 inconsistent with the purposes of the university, and property of
34 the university may be leased to the organization for those purposes.

35 The

36 (b) (1) The trustees may fix fees for voluntary membership in
37 the organization established at a state university.

38 Notwithstanding

39 (2) (A) Notwithstanding any law to the contrary, if a student
40 body organization is established at any state university, upon the

1 favorable vote of two-thirds of the students voting in an election
2 held for this purpose, in a manner that the trustees shall prescribe,
3 and open to all regular students enrolled in the university, the
4 trustees shall fix a membership fee which shall be required of all
5 regular, limited, and special session students attending the
6 university. No fees shall be charged to students registering solely
7 in extension classes.

8 ~~The~~

9 *(B) The* trustees may approve an increase or decrease in the
10 student body fee only after the fee increase or decrease has been
11 approved by a majority of students voting in a referendum
12 established for that purpose.

13 ~~The~~

14 *(C) The* required fee shall be subject to referendum at any time
15 upon the presentation of a petition to the president of the university
16 containing the signatures of 10 percent of the regularly enrolled
17 students at the university. A successful referendum shall take effect
18 with the beginning of the academic year following that in which
19 the election was held.

20 **Payment**

21 *(D) Payment* of membership fees pursuant to this section shall
22 be a prerequisite to enrollment in the university, except that if
23 sufficient funds are available, any state university student, subject
24 to the regulations of the trustees establishing standards in that
25 regard, may agree to work off the amount of the fee at the
26 prevailing rate of the university for student assistants. The trustees
27 may adopt regulations setting standards for determining which
28 students shall be eligible to work off the amount of the fee.

29 ~~The~~

30 *(c) The* revenues raised pursuant to this section may, in addition
31 to expenditures for other lawful purposes involved in the operations
32 of the student body organization, be expended to provide for the
33 support of governmental affairs representatives who may be
34 attending upon the State Legislature or upon offices and agencies
35 in the executive branch of the state government.

36 *(d) The trustees may fix a fee for voluntary membership in a*
37 *statewide student organization that represents the students of the*
38 *California State University and the student body organizations of*
39 *the campuses of the California State University. The trustees shall*
40 *provide students either the ability to affirmatively elect to pay this*

1 *fee, or a clear and unambiguous means to decline the payment of*
2 *this fee, each time the fee is assessed.*

3 SEC. 4. Section 89720 of the Education Code is amended to
4 read:

5 89720. The trustees may accept on behalf of the state any gift,
6 bequest, devise, or donation of real or personal property whenever
7 the gift and the terms and conditions thereof will aid in carrying
8 out the primary functions of the California State University as
9 specified in subdivision (b) of Section 66010.4. Neither Section
10 11005 of the Government Code nor any other law requiring
11 approval by a state officer of gifts, bequests, devises, or donations
12 shall apply to these gifts, bequests, devises, or donations. These
13 gifts, bequests, devises, or donations, and the disposition thereof,
14 shall be annually reported to the California Postsecondary
15 Education Commission, the Joint Legislative Budget Committee,
16 and the Department of Finance by January 31 of each year.

17 Notwithstanding Sections 11005.2 and 14664 of the Government
18 Code or any other law to the contrary, the trustees may sell or
19 exchange interests in real property received pursuant to this section
20 when, in the judgment of the trustees, the sale or exchange is in
21 the best interests of the California State University. No sale or
22 exchange of an interest in real property made pursuant to this
23 section shall exceed ten million dollars (\$10,000,000) per
24 transaction.

25 Notwithstanding Sections 11005 and 15853 of the Government
26 Code or any other provision of law to the contrary, the trustees
27 may purchase interests in real property from moneys received
28 pursuant to this section, including those moneys received from the
29 sale or exchange of interests in real property pursuant to this
30 section. Any such purchase shall be consistent with any restrictions
31 placed upon the gift, bequest, devise, or donation and shall be in
32 the best interests of the California State University, as determined
33 by the trustees.

34 No interest in any real property that is part of a main campus of
35 any of the institutions of the California State University listed in
36 Section 89001 shall be sold or exchanged pursuant to this section.

37 Any sale or exchange of interests in real property carried out
38 pursuant to this section shall be reported annually to the California
39 Postsecondary Education Commission or a successor agency, the

- 1 Joint Legislative Budget Committee, and the Department of
- 2 Finance, by January 31 of each year.

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