

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 176

Introduced by Assembly Member Bonta
(Coauthor: Assembly Member Thurmond)

January 26, 2015

An act to add Section 66027.1 to the Education Code, and to amend Section 8310.7 of, *and to add Section 8310.6 to*, the Government Code, relating to data collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 176, as amended, Bonta. Data collection.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified Asian groups and Pacific Island groups, and requires a state agency, board, or commission to include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of California residents that it publishes or releases. Existing law requires specified agencies to use additional separate collection categories and other tabulations for major Asian groups and Native Hawaiian and other Pacific Islander groups, and also requires those agencies to take additional actions, including, among other things, posting, and annually updating, the demographic data collected on their Internet Web sites, and updating the reporting categories to reflect these Asian and Pacific Islander groups as they are reported for the 2020 *decennial* census.

~~This bill would add the State Department of Public Health to the list of agencies that are required to use the additional separate collection categories and other tabulations, and to take additional actions as specified above, including posting the demographic data collected on its Internet Web site. It would also require the updating of the reporting categories for future decennial censuses. *The bill would require, on or after July 1, 2016, whenever the State Department of Public Health, the State Department of Health Care Services, or the Department of Managed Health Care collects demographic data as to the ancestry or ethnic origin of persons for a report that includes specified categories of information, that entity to use the additional separate collection categories and other tabulations for specified Asian groups and Pacific Island groups, and to take additional actions as specified above, including posting the demographic data collected on its Internet Web site.*~~

This bill would, on and after July 1, 2016, require the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Regents of the University of California, whenever those entities collect demographic data as to the ancestry or ethnic origin of students for a report that includes student admission, enrollment, completion, or graduation rates, to use specified collection and tabulation categories for Asian, Native Hawaiian, and Pacific Islander groups, as specified. The bill would require each entity specified above to make the demographic data publicly available by posting the data on the applicable entity's Internet Web site and would require the updating of the reporting categories for each decennial census. The bill would specify that the bill's provisions would be applicable to the University of California only if the Regents of the University of California, by resolution, make the provisions applicable.

To the extent the bill would impose additional requirements on community colleges, the bill would impose a state-mandated local program.

The California Constitution requires the State to reimburse local agencies and school districts for certain costs mandated by the State. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the State, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 66027.1 is added to the Education Code,
2 to read:

3 66027.1. (a) On or after July 1, 2016, whenever the Board of
4 Governors of the California Community Colleges, the Trustees of
5 the California State University, or the Regents of the University
6 of California collects demographic data as to the ancestry or ethnic
7 origin of students for a report that includes student admission,
8 enrollment, completion, or graduation rates, the entity shall use
9 separate collection categories and tabulations in accordance with
10 the following:

11 (1) No later than 18 months after a decennial United States
12 Census is released to the public, each entity shall use the collection
13 and tabulation categories for Asian, Native Hawaiian, and Pacific
14 Islander groups as they are reported by the United States Census
15 Bureau.

16 (2) Until the release of the next decennial United States Census
17 following the enactment of this section, each entity shall use the
18 collection and tabulation categories for Asian, Native Hawaiian,
19 and Pacific Islander groups that the entity used as of January 1,
20 2015.

21 (3) Each entity shall observe current standards regarding
22 compliance with the Family Educational Rights and Privacy Act
23 and shall observe criteria for ensuring statistical significance of
24 data collected and published.

25 (b) Each entity shall make the demographic data specified in
26 subdivision (a) publicly available, except for personal identifying
27 information, which shall be deemed confidential, by posting the
28 data on the applicable entity's Internet Web site by July 1, 2016,
29 and shall update the data annually thereafter. This subdivision shall
30 not be construed to prevent any other state agency from posting
31 data collected as specified in subdivision (a) on the state agency's
32 Internet Web site, in a manner prescribed by this section or Section
33 8310.5 or 8310.7 of the Government Code.

34 (c) As used in this section, "entity" means the Board of
35 Governors of the California Community Colleges, the Trustees of

1 the California State University, and the Regents of the University
2 of California.

3 (d) The provisions of this section shall apply to the University
4 of California only if the Regents of the University of California,
5 by resolution, make it applicable.

6 *SEC. 2. Section 8310.6 is added to the Government Code, to*
7 *read:*

8 *8310.6. On or after July 1, 2016, whenever the State*
9 *Department of Public Health, the State Department of Health Care*
10 *Services, or the Department of Managed Health Care collects*
11 *demographic data as to the ancestry or ethnic origin of persons*
12 *for a report that includes the type and amount of health care*
13 *coverage, rates for major diseases, leading causes of death per*
14 *demographic, subcategories for leading causes of death in*
15 *California overall, pregnancy rates, or housing numbers, that*
16 *entity shall use separate collection categories and tabulations in*
17 *accordance with subdivision (b) of Section 8310.7, and shall*
18 *comply with the requirements of subdivision (c) and (d) of Section*
19 *8310.7.*

20 ~~SEC. 2.~~

21 *SEC. 3. Section 8310.7 of the Government Code is amended*
22 *to read:*

23 *8310.7. (a) This section shall only apply to the following state*
24 *agencies:*

25 (1) The Department of Industrial Relations.

26 (2) The Department of Fair Employment and Housing.

27 ~~(3) The State Department of Public Health.~~

28 (b) In addition to the duties imposed under Section 8310.5, the
29 state agencies described in subdivision (a), in the course of
30 collecting demographic data directly or by contract as to the
31 ancestry or ethnic origin of California residents, shall collect and
32 tabulate data for the following:

33 (1) Additional major Asian groups, including, but not limited
34 to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri
35 Lankan, Taiwanese, and Thai.

36 (2) Additional major Native Hawaiian and other Pacific Islander
37 groups, including, but not limited to, Fijian and Tongan.

38 (c) The state agencies identified in subdivision (a) shall make
39 any data collected pursuant to subdivision (b) publicly available,
40 except for personal identifying information, which shall be deemed

1 confidential, by posting the data on the Internet Web site of the
2 agency on or before July 1, 2012, and ~~annually thereafter, except~~
3 ~~for the State Department of Public Health, which shall post the~~
4 ~~data on its Internet Web site by July 1, 2016, and annually~~
5 thereafter. This subdivision shall not be construed to prevent any
6 other state agency from posting data collected pursuant to
7 subdivision (b) on the agency's Internet Web site, in the manner
8 prescribed by this section.

9 (d) The state agencies identified in subdivision (a) shall, within
10 18 months after a decennial United States Census is released to
11 the public, update their data collection to reflect the additional
12 Asian groups and additional Native Hawaiian and Pacific Islander
13 groups as they are reported by the United States Census Bureau.

14 ~~SEC. 3.~~

15 *SEC. 4.* If the Commission on State Mandates determines that
16 this act contains costs mandated by the State, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.