

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 176

**Introduced by Assembly Member Bonta
(Coauthors: Assembly Members Chiu, Gonzalez, and 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 require the updating of the reporting categories for future decennial censuses. The bill would require, on or after July 1, 2016, the State Department of Health Care ~~Services~~, *Services* and the Department of Managed Health Care 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, under certain circumstances.

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 this 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 not apply these categorization requirements to demographic data of graduate and professional schools of the University of California. The bill would be applicable to the University of California only if the Regents of the University of California, by resolution, make it 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~~ *state* to reimburse local agencies and school districts for certain costs mandated by the ~~State~~ *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) *The categories used by each entity for Asian, Native*
17 *American, and Pacific Islander groups, to the extent not already*
18 *required pursuant to paragraph (1), shall also include the*
19 *following:*

20 (A) *Additional major Asian groups, including, but not limited*
21 *to, Bangladeshi, Cambodian, Hmong, Indonesian, Laotian,*
22 *Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.*

23 (B) *Additional major Native Hawaiian and Pacific Islander*
24 *groups, including, but not limited to, Fijian and Tongan.*

25 ~~(2)~~

26 (3) Until the release of the next decennial United States Census
27 following the enactment of this section, each entity shall use the
28 collection and tabulation categories for Asian, Native Hawaiian,
29 and Pacific Islander groups that the entity used as of January 1,
30 2015.

31 ~~(3)~~

32 (4) Each entity shall observe current standards regarding
33 compliance with the Family Educational Rights and Privacy Act
34 and shall observe criteria for ensuring statistical significance of
35 data collected and published.

36 (b) Each entity shall make the demographic data specified in
37 subdivision (a) publicly available, except for personal identifying
38 information, which shall be deemed confidential, by posting the

1 data on the applicable entity's Internet Web site by July 1, 2016,
2 and shall update the data annually thereafter. This subdivision shall
3 not be construed to prevent any other state agency from posting
4 data collected as specified in subdivision (a) on the state agency's
5 Internet Web site, in a manner prescribed by this section or Section
6 8310.5 or 8310.7 of the Government Code.

7 (c) As used in this section, "entity" means the Board of
8 Governors of the California Community Colleges, the Trustees of
9 the California State University, and the Regents of the University
10 of California.

11 (d) This section shall not apply to demographic data of graduate
12 or professional schools of the University of California.

13 (e) This section shall apply to the University of California only
14 if the Regents of the University of California, by resolution, make
15 it applicable.

16 SEC. 2. Section 8310.6 is added to the Government Code, to
17 read:

18 8310.6. On or after July 1, 2016, whenever the State
19 Department of Health Care Services or the Department of Managed
20 Health Care collects demographic data as to the ancestry or ethnic
21 origin of persons for a report that includes the type and amount of
22 health care coverage, rates for major diseases, leading causes of
23 death per demographic, subcategories for leading causes of death
24 in California overall, pregnancy rates, or housing numbers, that
25 entity shall use separate collection categories and tabulations in
26 accordance with subdivision (b) of Section 8310.7, and shall
27 comply with the requirements of subdivision (c) and (d) of Section
28 8310.7.

29 SEC. 3. Section 8310.7 of the Government Code is amended
30 to read:

31 8310.7. (a) This section shall only apply to the following state
32 agencies:

33 (1) The Department of Industrial Relations.

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

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

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

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

6 (c) The state agencies identified in subdivision (a) shall make
7 any data collected pursuant to subdivision (b) publicly available,
8 except for personal identifying information, which shall be deemed
9 confidential, by posting the data on the Internet Web site of the
10 agency on or before July 1, 2012, and annually thereafter. This
11 subdivision shall not be construed to prevent any other state agency
12 from posting data collected pursuant to subdivision (b) on the
13 agency's Internet Web site, in the manner prescribed by this
14 section.

15 (d) The state agencies identified in subdivision (a) shall, within
16 18 months after a decennial United States Census is released to
17 the public, update their data collection to reflect the additional
18 Asian groups and additional Native Hawaiian and Pacific Islander
19 groups as they are reported by the United States Census Bureau.

20 SEC. 4. If the Commission on State Mandates determines that
21 this act contains costs mandated by the State, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.