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AMENDED IN SENATE JULY 14, 2015

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AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 176**

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**Introduced by Assembly Member Bonta**  
**(Coauthors: Assembly Members Chiu, Gonzalez, and Thurmond)**  
(Coauthors: Senators Lara and Pan)

January 26, 2015

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An act to add Section 66027.1 to the Education Code, and to amend Section 8310.7 of 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 Islander 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 and the Department of Managed Health Care~~ to use the additional separate collection categories and other tabulations for specified Asian groups and Pacific Islander 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 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 collect 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 following:

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

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

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

29 (4) Each entity shall comply with the Family Educational Rights  
30 and Privacy Act and shall observe criteria for ensuring statistical  
31 significance of data collected and published.

32 (b) Each entity shall make the demographic data specified in  
33 subdivision (a) publicly available, except for personal identifying  
34 information, which shall be deemed confidential, by posting the  
35 data on the applicable entity's Internet Web site by July 1, 2016,

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

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

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

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

15 SEC. 2. Section 8310.7 of the Government Code is amended  
16 to read:

17 8310.7. (a) This section shall only apply to the following state  
18 agencies:

19 (1) The Department of Industrial Relations.

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

21 (3) ~~The State Department of Health Care Services and the~~  
22 Department of Managed Health Care, on or after July 1, 2016,  
23 whenever collecting demographic data as to the ancestry or ethnic  
24 origin of persons for a report that includes the type and amount of  
25 health care coverage, rates for major diseases, leading causes of  
26 death per demographic, subcategories for leading causes of death  
27 in California overall, pregnancy rates, or housing numbers.

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. This  
3 subdivision shall not be construed to prevent any other state agency  
4 from posting data collected pursuant to subdivision (b) on the  
5 agency's Internet Web site, in the manner prescribed by this  
6 section.

7 (d) The state agencies identified in subdivision (a) shall, within  
8 18 months after a decennial United States Census is released to  
9 the public, update their data collection to reflect the additional  
10 Asian groups and additional Native Hawaiian and Pacific Islander  
11 groups as they are reported by the United States Census Bureau.

12 SEC. 3. If the Commission on State Mandates determines that  
13 this act contains costs mandated by the State, reimbursement to  
14 local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.