

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2434**

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**Introduced by Assembly Members Bonta and Ting**

February 19, 2016

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An act to ~~repeal Section 66010.6~~ *add and repeal Chapter 11.1 (commencing with Section 66910) of Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2434, as amended, Bonta. Postsecondary education: higher education policy.

Existing law, the Donahoe Higher Education Act, sets forth the missions and functions of the 4 segments comprising the state's postsecondary education system. These segments are the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, the California Community Colleges, administered by the Board of Governors of the California Community Colleges, and independent institutions of higher education. ~~A provision of the act sets forth the missions of specified agencies charged with coordination, administration, or implementation of higher education policies and programs.~~

~~This bill would delete this provision, and would express the intent of the Legislature to explore alternative ways to improve affordability, accessibility, coordination, and development of higher education policy that are consistent with the interest of the people and State of California. *establish the 9-member Blue Ribbon Commission on Public Postsecondary Education, and specify its membership and duties. The*~~

*bill would require the commission to publish a report on designated subjects and submit this report to designated governmental entities by March 31, 2018. The bill would require the Office of the Blue Ribbon Commission on Public Postsecondary Education to close on June 30, 2018, and would repeal the provisions of the bill on January 1, 2019. The bill would require, upon that repeal, all of the documents and working papers of the commission to become the property of the State Archives.*

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

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

1     SECTION 1. *The Legislature finds and declares all of the*  
 2 *following:*  
 3     (a) *More universal participation in postsecondary education in*  
 4 *California is of vital public interest to ensure an informed citizenry,*  
 5 *a functional democracy, a vibrant workforce, and a leading 21st*  
 6 *century economy.*  
 7     (b) *Communities of color now comprise the new majority of*  
 8 *California high school pupils. As cited by the University of*  
 9 *California in an amicus brief filed in Fisher v. University of Texas,*  
 10 *in 2012 high school graduates were 46.2 percent Latino, 30.5*  
 11 *percent white, 13.6 percent Asian or Pacific Islander, 6.7 percent*  
 12 *African American, and 0.7 percent Native American.*  
 13     (c) *Despite outreach programs and other efforts, historically*  
 14 *disadvantaged groups remain underrepresented. These groups*  
 15 *include communities of color, immigrants, LGBTQ students,*  
 16 *individuals from low-income and working class communities, and*  
 17 *others with unique needs.*  
 18     (d) *Long-term trends with tuition increases across California’s*  
 19 *public four-year universities have made college less affordable.*  
 20 *Resident tuition and fees at the University of California (UC) and*  
 21 *California State University (CSU) have risen by 139 percent and*  
 22 *157 percent, respectively, from the 2003–04 academic year to the*  
 23 *2013–14 academic year, inclusive. These increases are*  
 24 *significantly higher than 91 percent, which is the national average*  
 25 *for public four-year universities over the same time period,*  
 26 *according to the California State University, Sacramento, Institute*  
 27 *for Higher Education Leadership and Policy.*

1 (e) *The full price of college beyond tuition, including the costs*  
2 *of books, room and board, and other expenses, is a significant*  
3 *barrier and burden for students from low- and middle-income*  
4 *families. According to the Public Policy Institute of California, in*  
5 *2011–2012, the average nontuition cost of attending UC was*  
6 *\$17,264, or 57 percent of the total cost, and the average nontuition*  
7 *cost of attending CSU was \$12,781, or 66 percent of the total cost.*

8 (f) *California’s Master Plan for Higher Education was submitted*  
9 *to the Legislature in 1960. The Master Plan was developed to*  
10 *provide a thoughtful statewide framework for higher education*  
11 *and sought to ensure universal access to higher education. This*  
12 *latter goal made California unique among the states and led to*  
13 *the creation of the most prominent higher education system in the*  
14 *nation and the world, a model that was replicated and revered.*  
15 *Undergirding this system and essential to its success was the*  
16 *commitment of California’s investment. Today, that commitment*  
17 *has changed as state resources that could have been made*  
18 *available for higher education have increasingly been dedicated*  
19 *to incarceration. According to the Public Policy Institute of*  
20 *California, from 2003 to 2010, inclusive, California’s prison*  
21 *population grew only 1 percent, while general fund expenditures*  
22 *on corrections increased by 26 percent.*

23 (g) *The Public Policy Institute of California projects that the*  
24 *state will fall short about 1,100,000 college graduates who will*  
25 *be in economic demand by 2030 if enrollment and graduation rates*  
26 *do not increase, and that highly educated workers from outside*  
27 *California are unlikely to fill this gap.*

28 (h) *Since 2012, when the California Postsecondary Education*  
29 *Commission was defunded, California has lacked a coordinating*  
30 *body for postsecondary education. The absence of such a body*  
31 *has reduced the ability of the state to effectively develop long-term*  
32 *plans for public postsecondary education and to fully engage with*  
33 *the public in the development of such plans.*

34 (i) *The Governor has acknowledged the well-established need*  
35 *for coordinating and guiding state higher education policy and*  
36 *has encouraged higher education stakeholders to explore*  
37 *alternative ways to more effectively improve coordination and*  
38 *development of higher education policy.*

39 (j) *Given this, and to ensure full and equitable accessibility to*  
40 *higher and postsecondary education, California must create and*

1 *fund a Blue Ribbon Commission on Public Postsecondary*  
 2 *Education to develop a written plan to ensure that public*  
 3 *universities and colleges in California are tuition-free and*  
 4 *affordable to all students, including low-income and*  
 5 *underrepresented students, and have the capacity to provide*  
 6 *universal participation for all high school graduates by the year*  
 7 *2030.*

8 *SEC. 2. Chapter 11.1 (commencing with Section 66910) is*  
 9 *added to Part 40 of Division 5 of Title 3 of the Education Code,*  
 10 *to read:*

11  
 12 *CHAPTER 11.1. BLUE RIBBON COMMISSION ON PUBLIC*  
 13 *POSTSECONDARY EDUCATION*

14  
 15 *66910. (a) There is hereby created the Blue Ribbon*  
 16 *Commission on Public Postsecondary Education. The purpose of*  
 17 *the commission is to make recommendations on improving access*  
 18 *to and affordability in postsecondary education for Californians.*

19 *(b) (1) There shall be nine public members of the commission,*  
 20 *who shall be California residents who are community leaders,*  
 21 *business leaders, and others knowledgeable in the area of*  
 22 *postsecondary education. The nine public members shall be*  
 23 *representative of the cultural, ethnic, racial, and geographic*  
 24 *diversity of the state. The members are as follows:*

25 *(A) Three members from the public appointed by the Governor.*

26 *(B) Three members from the public appointed by the Senate*  
 27 *Committee on Rules.*

28 *(C) Three members from the public appointed by the Speaker*  
 29 *of the Assembly.*

30 *(2) The Governor may designate any one of the nine members*  
 31 *appointed to the commission to serve as temporary chairperson*  
 32 *of the commission for its first meeting. The first order of business*  
 33 *of the commission shall be to elect a permanent chairperson.*

34 *(c) Commission meetings are subject to the Bagley-Keene Open*  
 35 *Meeting Act (Article 9 (commencing with Section 11120) of*  
 36 *Chapter 1 of Part 1 of Division 3 of Title 2 of the Government*  
 37 *Code).*

38 *(d) Members of the commission shall serve without*  
 39 *compensation, but shall receive reimbursement for actual and*

1 *necessary expenses incurred in connection with the performance*  
2 *of their duties as members.*

3 *(e) No person who is employed or retained by any public or*  
4 *private postsecondary educational institution shall be appointed*  
5 *to or serve on the commission. No person who is a spouse or*  
6 *domestic partner of an employee, an officer, or retained by a public*  
7 *or private postsecondary educational institution shall be appointed*  
8 *to serve on the commission.*

9 *(f) (1) There shall be an office titled the Office of the Blue*  
10 *Ribbon Commission on Public Postsecondary Education. The*  
11 *office shall do all of the following:*

12 *(A) Implement the duties and directives of the commission.*

13 *(B) Consult with the higher education segments and*  
14 *stakeholders, as appropriate, in the conduct of its duties and*  
15 *responsibilities.*

16 *(2) The office may request and receive information necessary*  
17 *to conduct its business, from the higher education segments, the*  
18 *Department of Finance, the Legislative Analyst's Office, and the*  
19 *Student Aid Commission.*

20 *(3) For purposes of this subdivision, "higher education*  
21 *segments" means the segments described in Section 66010.95.*  
22 *Higher education stakeholders include, but are not necessarily*  
23 *limited to, postsecondary faculty, staff, and students, K-12*  
24 *representatives, representatives of the business community,*  
25 *representatives of labor, representatives of community-based*  
26 *organizations, and nonprofit organizations.*

27 *(g) (1) The office shall be established in state government, and*  
28 *shall be under the direct control of an executive director.*

29 *(2) The commission shall appoint the executive director at a*  
30 *salary that shall be fixed pursuant to Section 12001 of the*  
31 *Government Code.*

32 *(3) The commission shall select and designate a state*  
33 *administrative agency to carry out the personnel, contractual, and*  
34 *all other fiscal services required by the commission.*

35 *(h) The duties of the commission shall include, but need not be*  
36 *limited to, the review of relevant reports by the University of*  
37 *California, the California State University, the Board of Governors*  
38 *of the California Community Colleges, the Student Aid*  
39 *Commission, the Department of Finance, the Legislative Analyst's*  
40 *Office, foundations or nonprofit organizations, the California*

1 *Postsecondary Education Commission, or any other reports the*  
2 *commission deems appropriate.*

3 *(i) The commission shall conduct a series of at least 10 public*  
4 *hearings specifically focused on the needs of and seeking input*  
5 *from African Americans, Native Americans, Latinos, Asian*  
6 *Americans, Pacific Islanders, boys and men of color,*  
7 *undocumented immigrants, LGBTQ students, and other*  
8 *underserved or underrepresented groups in public postsecondary*  
9 *education. The hearings shall be held in geographically diverse*  
10 *regions of the state to solicit testimony of individuals, public*  
11 *interest groups, alumni organizations, or any other interested*  
12 *private groups and organizations as well as professors,*  
13 *administrators, students, representatives from historically*  
14 *underrepresented groups in public higher education, and others*  
15 *who are directly affected for the purpose of soliciting the input of*  
16 *these groups in the formulations of the commission's*  
17 *recommendations.*

18 *(j) In addition, the commission shall, at a minimum, study,*  
19 *analyze, issue written recommendations, and report to the*  
20 *Legislature and to the Governor on all of the following:*

21 *(1) Establishing the need to create a public postsecondary*  
22 *education system that ensures universal access with the capacity*  
23 *to support universal participation of all high school graduates in*  
24 *California.*

25 *(2) Identifying the current enrollment capacity in public*  
26 *postsecondary education as compared to the enrollment capacity*  
27 *needed in public postsecondary education to ensure universal*  
28 *access and universal participation for all high school graduates*  
29 *in California.*

30 *(3) Identifying the enrollment slots needed to ensure the state's*  
31 *public postsecondary education system can graduate an additional*  
32 *1,100,000 California residents by 2030 to meet the economic*  
33 *demands of the state.*

34 *(4) Determining the number of additional campuses needed, if*  
35 *any, in each of the public postsecondary education segments to*  
36 *accommodate the additional enrollment demands described in*  
37 *paragraphs (1) to (3), inclusive. The commission shall consider*  
38 *geographic areas of the state where a significant demand for public*  
39 *postsecondary educational services is not being met by current*  
40 *campuses and programs.*

1 (5) Ensuring that enrollments in public postsecondary  
2 institutions reflect the ethnic and racial diversity of California  
3 high school pupils and high school graduates. The commission  
4 shall identify admission criteria, student outreach, student  
5 preparation, student retention, and other mechanisms that can  
6 promote this diversity.

7 (6) Ensuring equity for historically disadvantaged and  
8 underrepresented groups that include, but are not limited to,  
9 communities of color, documented and undocumented immigrants,  
10 individuals from low-income and working-class backgrounds,  
11 LGBTQ people, and others with unique needs.

12 (7) Determining the amount of increased investments in public  
13 postsecondary education necessary to support a mission of  
14 universal access and participation of all Californians. The  
15 increased investments shall take into account the additional  
16 resources needed to support the recommendations pursuant to  
17 paragraphs (2) to (6), inclusive. These recommendations shall  
18 identify expenditure requirements to support this objective and  
19 recommend additional revenue sources to finance this mission.

20 (8) The resources required to create an affordable and  
21 tuition-free education system in the California public  
22 postsecondary environment, with a first priority on supporting  
23 those students with the lowest incomes and least financial  
24 resources. This task shall include an analysis of not only tuition  
25 and fees, but a focus on additional college costs, such as books  
26 and supplies, food, housing, transportation, loan fees, child and  
27 dependent care, and other costs. The analysis shall incorporate  
28 the availability of federal, state, and campus-based financial aid  
29 efforts to offset these additional college costs to determine the  
30 extra resources needed to support all low-income and  
31 underrepresented California resident students.

32 (k) The commission shall publish its report by March 31, 2018.  
33 The report shall be transmitted to the fiscal and education policy  
34 committees of the Legislature, the Regents of the University of  
35 California, the Trustees of the California State University, the  
36 Board of Governors of the California Community Colleges, the  
37 Director of Finance, and the Governor. Copies of the report shall  
38 be posted on the Governor's Internet Web site.

39 (l) The office shall close no later than June 30, 2018.

1     66911. *This chapter shall remain in effect only until January*  
2 *1, 2019, and as of that date is repealed, unless a later enacted*  
3 *statute, that is enacted before January 1, 2019, deletes or extends*  
4 *that date.*

5     SEC. 3. *Upon the repeal of Section 66910 of the Education*  
6 *Code, all of the documents and working papers of the Blue Ribbon*  
7 *Commission on Public Postsecondary Education shall become the*  
8 *property of the State Archives.*

9     ~~SECTION 1. It is the intent of the Legislature to explore~~  
10 ~~alternative ways to improve affordability, accessibility,~~  
11 ~~coordination, and development of higher education policy that are~~  
12 ~~consistent with the interest of the people and State of California.~~

13     ~~SEC. 2. Section 66010.6 of the Education Code is repealed.~~