

AMENDED IN SENATE APRIL 7, 2015

**SENATE BILL**

**No. 42**

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**Introduced by Senator Liu**

December 2, 2014

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An act to amend Section 27.6 of the Business and Professions Code, to amend Sections 11001, 11005, 11700, 12200, 32500, 44212, 44784, 52342, 52957, 54703, 66010.4, 66010.6, 66010.7, 66040.3, 66742, 66743, 66901, 66903, 66903.3, 66905, ~~66941~~, 67002, 67003, 67312, 67382, 68052, 69562, 69655, 69966, 74292, 81004, 81005, 89002, 89011, 89070.35, 89070.40, 89720, 92605, 94155, 99151, 99181, 99182, and 99202 of, to amend the heading of Chapter 11 (commencing with Section 66900) of Part 40 of Division 5 of Title 3 of, *to add Section 66941 to*, to repeal Sections 45351, 66902.5, 66903.1, and 87482.4 of, and to repeal and add Sections 66900 and 66903.2 of, the Education Code, to amend Section 11126 of the Government Code, to amend Section 128030 of, and to repeal Section 127785 of, the Health and Safety Code, to amend Section 24357.8 of the Revenue and Taxation Code, to amend Section 10529 of the Unemployment Insurance Code, and to amend Sections 4341.5 and 4421 of the Welfare and Institutions Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as amended, Liu. Postsecondary education: California Commission on Higher Education Performance and Accountability.

Existing law establishes the California Postsecondary Education Commission (CPEC) as the statewide postsecondary education coordinating and planning agency, and provides for its functions and responsibilities. Existing law also provides for the composition of CPEC's membership.

This bill would change the composition of, and rename, CPEC as the California Commission on Higher Education Performance and Accountability, and would recast and revise its various functions and responsibilities. The bill would make conforming changes to, delete obsolete provisions of, and make numerous nonsubstantive changes to, existing law.

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 27.6 of the Business and Professions  
2 Code is amended to read:  
3 27.6. The successor agency to the Bureau for Private  
4 Postsecondary and Vocational Education shall transmit any  
5 available data regarding school performance, including, but not  
6 limited to, attendance and graduation rates, it receives from any  
7 schools under its jurisdiction to the California Commission on  
8 Higher Education Performance and Accountability.  
9 SEC. 2. Section 11001 of the Education Code is amended to  
10 read:  
11 11001. (a) The Chancellor of the California State University  
12 shall establish an advisory committee to assist in selecting  
13 proposals to be funded and developing criteria for project  
14 evaluation. The committee shall be composed of the following  
15 members:  
16 (1) Two certificated secondary school teachers, including at  
17 least one junior high or intermediate school teacher, appointed by  
18 the Superintendent.  
19 (2) Two certificated secondary school employees with  
20 responsibility for curriculum administration, appointed by the  
21 Superintendent.  
22 (3) One director of a regional consortium participating in the  
23 California Student Opportunity Access Program established  
24 pursuant to Chapter 113 of the Statutes of 1978, appointed by the  
25 Student Aid Commission.  
26 (4) Two representatives of the California Community Colleges,  
27 to be appointed by the Board of Governors of the California  
28 Community Colleges, at least one of whom shall be a faculty  
29 member.

1 (5) Two representatives of the California State University, to  
2 be appointed by the Chancellor of the California State University,  
3 at least one of whom shall be a faculty member.

4 (6) Two representatives of the University of California,  
5 appointed by the President of the University of California, at least  
6 one of whom shall be a faculty member.

7 (7) One representative, appointed by the Director of the  
8 California Commission on Higher Education Performance and  
9 Accountability.

10 (b) Faculty appointments to the advisory committee shall be  
11 made by the appropriate appointing authority through consultation  
12 with the faculty senate.

13 SEC. 3. Section 11005 of the Education Code is amended to  
14 read:

15 11005. Based upon evaluations conducted pursuant to former  
16 Section 11004, the California Commission on Higher Education  
17 Performance and Accountability may identify projects that are  
18 ineffective or not cost-effective for termination. Funds made  
19 available as a result of that termination shall be reallocated for the  
20 awarding of new grants pursuant to Section 11003.

21 SEC. 4. Section 11700 of the Education Code is amended to  
22 read:

23 11700. (a) It is the intent of the Legislature that the Center for  
24 International Education Synergy be established through a joint  
25 powers agreement, entered into pursuant to Chapter 5 (commencing  
26 with Section 6500) of Division 7 of Title 1 of the Government  
27 Code, between the Sweetwater Union High School District, the  
28 Southwestern Community College District, and San Diego State  
29 University. It is the intent of the Legislature that a joint powers  
30 agency created pursuant to the joint powers agreement own and  
31 maintain the land and facilities for the Center for International  
32 Education Synergy at the ~~Otay Mesa Off-Campus Center~~  
33 *Southwestern College Higher Education Center at Otay Mesa*.

34 (b) In addition to funding appropriated by the Legislature for  
35 purposes of the Center for International Education Synergy, entities  
36 participating in the establishment and operation of the center are  
37 encouraged to seek supplemental funding, including, but not limited  
38 to, funding from foundations, corporations, and other public  
39 entities.

1 (c) Any postsecondary education facilities and programs  
2 developed pursuant to this section shall be subject to the  
3 requirements of Section 66903 as they apply to the governing  
4 boards of public postsecondary educational institutions.

5 (d) The Center for International Education Synergy shall be  
6 established only upon approval by the California Commission on  
7 Higher Education Performance and Accountability based on a  
8 needs study and subsequent approval from the Department of  
9 Finance.

10 SEC. 5. Section 12200 of the Education Code is amended to  
11 read:

12 12200. (a) The state board is vested with all necessary power  
13 and authority to perform all acts necessary to authorize governing  
14 boards of districts maintaining community colleges to receive the  
15 benefits and to expend the funds provided by any acts of Congress  
16 under which districts maintaining community colleges may be  
17 eligible to receive benefits, including, but not limited to, Title VII  
18 of the National Housing Act of 1961 (Public Law 87-70), as  
19 amended, and any of the acts of Congress referred to in this chapter.  
20 The state board is vested with all necessary power and authority  
21 to authorize districts maintaining community colleges to cooperate  
22 with the government of the United States, or any agency or  
23 agencies thereof, for the purpose of receiving the benefits and  
24 expending the funds provided by those acts of Congress, or any  
25 rules or regulations adopted under those acts, or any state plan or  
26 rules or regulations of the California Commission on Higher  
27 Education Performance and Accountability adopted in accordance  
28 with any of those acts of Congress under which the California  
29 Commission on Higher Education Performance and Accountability  
30 is designated in this chapter as the state educational agency.  
31 Whenever necessary to secure the full benefits of those acts of  
32 Congress, the governing board may give such security as may be  
33 required and may comply with such conditions as may be imposed  
34 by the federal government. The funds received by the district under  
35 the provisions of those acts of Congress shall be deposited in the  
36 county treasury, as provided for in Section 84001.

37 (b) This section is applicable to only those acts of Congress that  
38 have been enacted before January 1, 1967.

39 SEC. 6. Section 32500 of the Education Code is amended to  
40 read:

1 32500. (a) In order to encourage greater involvement of  
2 educational institutions in planning and developing prison-based  
3 educational programs, the Secretary of the Department of  
4 Corrections and Rehabilitation, the Chancellor of the California  
5 State University, the Chancellor of the California Community  
6 Colleges, and the Superintendent, with the advice of the California  
7 Commission on Higher Education Performance and Accountability,  
8 shall enter into interagency agreements. These agreements shall  
9 provide for, but not be limited to, all of the following:

10 (1) A determination of the roles of the Department of  
11 Corrections and Rehabilitation, the ~~office~~ *Office* of the Chancellor  
12 of the California State ~~University~~ *University*, the *Office*  
13 of the Chancellor of the California Community Colleges, and the  
14 State Department of Education, in developing policy for  
15 prison-based educational programs.

16 (2) Joint policy and program planning.

17 (b) The Secretary of the Department of Corrections and  
18 Rehabilitation, the Chancellor of the California State University,  
19 the Chancellor of the California Community Colleges, and the  
20 Superintendent shall appoint an advisory committee to do, but not  
21 be limited to doing, all of the following:

22 (1) Making recommendations on the use of instructional  
23 television in these programs.

24 (2) Reviewing and making recommendations relating to any  
25 proposed budgets for these programs.

26 (3) Reviewing and making recommendations relating to the  
27 implementation of the interagency agreement.

28 (c) Notwithstanding the other provisions of this section, the  
29 Secretary of the Department of Corrections and Rehabilitation  
30 shall administer all prison-based education programs.

31 SEC. 7. Section 44212 of the Education Code, as amended by  
32 Section 37 of Chapter 71 of the Statutes of 2014, is amended to  
33 read:

34 44212. (a) The Regents of the University of California, the  
35 Trustees of the California State University, the California  
36 Commission on Higher Education Performance and Accountability,  
37 and the Association of Independent California Colleges and  
38 Universities shall each appoint a representative to serve as member  
39 ex officio without vote in proceedings of the commission.

1 (b) The ex officio members shall not vote in the proceedings of  
2 the commission or in any of its committees or subcommittees,  
3 except, by a majority vote of the commission, ex officio members  
4 may be permitted to vote in committees or subcommittees in order  
5 to establish a quorum or as otherwise determined by majority vote  
6 of the commission.

7 SEC. 8. Section 44784 of the Education Code is amended to  
8 read:

9 44784. (a) The institution selected under Section 44782 shall  
10 be assisted by an advisory committee, the function of which shall  
11 be:

12 (1) To review and comment on plans for the establishment of  
13 the resource centers.

14 (2) To assist in determining criteria for local and private funding  
15 matches to be required for the operation of each resource center.

16 (3) To advise the project on the selection of proposals for  
17 funding.

18 (b) The advisory committee shall be composed of the following  
19 members:

20 (1) Ten members appointed by representatives of higher  
21 education, two each to be selected by the President of the  
22 University of California, the Chancellor of the California State  
23 University, the Chancellor of the California Community Colleges,  
24 the Association of Independent California Colleges and  
25 Universities, and the California Commission on Higher Education  
26 Performance and Accountability. At least one of the appointees  
27 of each of these appointing entities shall be an elementary or  
28 secondary school classroom teacher with classroom experience in  
29 international studies instruction.

30 (2) Four public members with special interest or competence  
31 in international affairs, representing business, community, and  
32 subject area educational organizations, one each to be selected by  
33 the Superintendent, the Governor, the Speaker of the Assembly,  
34 and the Senate Committee on Rules.

35 (3) Three certificated school teachers, or other educators, with  
36 classroom experience in international studies instruction, to be  
37 designated by the institution selected to operate the project.

38 SEC. 9. Section 45351 of the Education Code is repealed.

39 SEC. 10. Section 52342 of the Education Code is amended to  
40 read:

1 52342. In the implementation of this article, the State  
2 Department of Education shall, on a regular basis, advise and  
3 consult with representatives of the Employment Development  
4 Department, the Board of Governors of the California Community  
5 Colleges, the California Commission on Higher Education  
6 Performance and Accountability, the University of California, the  
7 Chancellor of the California State University, the Commission on  
8 Teacher Credentialing, the Department of Industrial Relations, the  
9 Department of Consumer Affairs, the California Advisory Council  
10 on Career Technical Education and Technical Training, and the  
11 State Personnel Board.

12 SEC. 11. Section 52957 of the Education Code is amended to  
13 read:

14 52957. The advisory committee shall include:

15 (a) One representative selected by the California Commission  
16 on Higher Education Performance and Accountability.

17 (b) Two representatives selected by the President of the  
18 University of California, one of whom has the responsibility for  
19 teaching science.

20 (c) Two representatives selected by the Chancellor of the  
21 California State University, one of whom has the responsibility  
22 for teaching science.

23 (d) Two representatives selected by the Chancellor of the  
24 California Community Colleges, one of whom has the  
25 responsibility for teaching science.

26 (e) Four public school classroom teachers of science, and one  
27 additional representative, selected by the Superintendent.

28 (f) One teacher of science plus a representative selected by the  
29 Association of Independent California Colleges and Universities.

30 (g) One representative of business and industry selected by the  
31 Industry Education Council of California.

32 (h) One representative of California labor, selected by the  
33 California branch of the American Federation of Labor-Congress  
34 of Industrial Organizations (AFL-CIO).

35 (i) One representative of the National Science Supervisors  
36 Association.

37 (j) One representative of a national laboratory, selected by the  
38 Regents of the University of California.

39 SEC. 12. Section 54703 of the Education Code is amended to  
40 read:

1 54703. The Superintendent shall prepare rules and regulations  
2 necessary to implement the provisions of this article, including  
3 rules and regulations that:

4 (a) Prescribe the procedure by which a district shall identify  
5 pupils who are traditionally underrepresented in higher education.

6 (b) Provide for the rendering of technical assistance that, upon  
7 request, shall be available to enable school districts and schools  
8 to design, implement, or evaluate the University and College  
9 Opportunities ~~Programs~~ *Program* authorized by this article.

10 (c) Identify effective practices regarding, but not necessarily  
11 limited to, college and university opportunities programs, and  
12 disseminate information regarding these programs to each  
13 participating school district and county superintendent of schools.

14 (d) Develop, in conjunction with the California Commission on  
15 Higher Education Performance and Accountability, common data  
16 elements that can be used by secondary and postsecondary  
17 educators to assess and improve program performance.

18 SEC. 13. Section 66010.4 of the Education Code is amended  
19 to read:

20 66010.4. The missions and functions of California's public  
21 and independent segments, and their respective institutions of  
22 higher education shall be differentiated as follows:

23 (a) (1) The California Community Colleges shall, as a primary  
24 mission, offer academic and vocational instruction at the lower  
25 division level for both younger and older students, including those  
26 persons returning to school. Public community colleges shall offer  
27 instruction through but not beyond the second year of college.  
28 These institutions may grant the associate in arts and the associate  
29 in science degree.

30 (2) In addition to the primary mission of academic and  
31 vocational instruction, the community colleges shall offer  
32 instruction and courses to achieve all of the following:

33 (A) The provision of remedial instruction for those in need of  
34 it and, in conjunction with the school districts, instruction in  
35 English as a second language, adult noncredit instruction, and  
36 support services that help students succeed at the postsecondary  
37 level are reaffirmed and supported as essential and important  
38 functions of the community colleges.



1 (B) The provision of adult noncredit education curricula in areas  
2 defined as being in the state’s interest is an essential and important  
3 function of the community colleges.

4 (C) The provision of community services courses and programs  
5 is an authorized function of the community colleges so long as  
6 their provision is compatible with an institution’s ability to meet  
7 its obligations in its primary missions.

8 (3) A primary mission of the California Community Colleges  
9 is to advance California’s economic growth and global  
10 competitiveness through education, training, and services that  
11 contribute to continuous ~~work force~~ *workforce* improvement.

12 (4) The community colleges may conduct, to the extent that  
13 state funding is provided, institutional research concerning student  
14 learning and retention as is needed to facilitate their educational  
15 missions.

16 (b) The California State University shall offer undergraduate  
17 and graduate instruction through the master’s degree in the liberal  
18 arts and sciences and professional education, including teacher  
19 education. Presently established two-year programs in agriculture  
20 are authorized, but other two-year programs shall be permitted  
21 only when mutually agreed upon by the Trustees of the California  
22 State University and the Board of Governors of the California  
23 Community Colleges. The doctoral degree may be awarded jointly  
24 with the University of California, as provided in subdivision (c)  
25 and pursuant to Section 66904. The doctoral degree may also be  
26 awarded jointly with one or more independent institutions of higher  
27 education, provided that the proposed doctoral program is approved  
28 by the California Commission on Higher Education Performance  
29 and Accountability. Research, scholarship, and creative activity  
30 in support of its undergraduate and graduate instructional mission  
31 is authorized in the California State University and shall be  
32 supported by the state. The primary mission of the California State  
33 University is undergraduate and graduate instruction through the  
34 master’s degree.

35 (c) The University of California may provide undergraduate  
36 and graduate instruction in the liberal arts and sciences and in the  
37 professions, including the teaching professions. It shall have  
38 exclusive jurisdiction in public higher education over instruction  
39 in the profession of law and over graduate instruction in the  
40 professions of medicine, dentistry, and veterinary medicine. It has

1 the sole authority in public higher education to award the doctoral  
2 degree in all fields of learning, except that it may agree with the  
3 California State University to award joint doctoral degrees in  
4 selected fields. The University of California shall be the primary  
5 state-supported academic agency for research.

6 (d) The independent institutions of higher education shall  
7 provide undergraduate and graduate instruction and research in  
8 accordance with their respective missions.

9 SEC. 14. Section 66010.6 of the Education Code is amended  
10 to read:

11 66010.6. (a) The missions of agencies charged with  
12 coordination, administration, or implementation of higher education  
13 policies and programs in California shall be as follows:

14 (1) The California Commission on Higher Education  
15 Performance and Accountability is the statewide postsecondary  
16 education coordinating and planning agency. The commission  
17 shall serve as a principal fiscal and program advisor to the  
18 Governor and the Legislature on postsecondary educational policy.  
19 Consistent with Section 66903, the commission's responsibilities  
20 shall include, but not be limited to, all of the following:

21 (A) Analysis and recommendations related to long-range  
22 planning for public postsecondary education.

23 (B) Analysis of state policy and programs involving the  
24 independent and private postsecondary educational sectors.

25 (C) Analysis and recommendations related to program and  
26 policy review.

27 (D) Resource analysis.

28 (E) Maintenance and publication of pertinent public information  
29 relating to all aspects of postsecondary education.

30 (2) The California Commission on Higher Education  
31 Performance and Accountability shall consult with the  
32 postsecondary educational segments and with relevant state  
33 agencies, including the Student Aid Commission, the  
34 Superintendent and other relevant parties, in its preparation of  
35 analyses and recommendations to the Governor and the Legislature.  
36 However, the commission shall remain an independent and  
37 nonpartisan body responsible for providing an integrated and  
38 segmentally unbiased view for purposes of state policy formulation  
39 and evaluation.

1 (b) (1) The Student Aid Commission is the primary state agency  
2 for the administration of state-authorized student financial aid  
3 programs available to students attending all segments of  
4 postsecondary education. These programs include grant, work  
5 study, and loan programs supported by the state and the federal  
6 government.

7 (2) Consistent with this responsibility, the Student Aid  
8 Commission shall provide, in consultation with the postsecondary  
9 education segments and relevant state agencies, policy leadership  
10 on student financial aid issues, evaluate the effectiveness of its  
11 programs, conduct research and long-range planning as a  
12 foundation for program improvement, report on total state financial  
13 aid needs, and disseminate information to students and their  
14 families.

15 (c) ~~The Council Bureau for Private Postsecondary and~~  
16 ~~Vocational Education~~ is the primary state agency responsible for  
17 approving and regulating private postsecondary and vocational  
18 educational institutions and for developing state policies for private  
19 postsecondary and vocational education in California. ~~The council~~  
20 ~~bureau~~ shall represent the private postsecondary and vocational  
21 education institutions in all state level planning and policy  
22 discussions about postsecondary and vocational education.

23 SEC. 15. Section 66010.7 of the Education Code is amended  
24 to read:

25 66010.7. (a) The Legislature, through the enactment of this  
26 section, expresses its commitment to encourage and support  
27 collaboration and coordination among all segments of education.

28 (b) Within the differentiation of segmental functions outlined  
29 in this article, the institutions of higher education shall undertake  
30 intersegmental collaboration and coordination particularly when  
31 it can do any of the following:

32 (1) Enhance the achievement of the institutional missions shared  
33 by the segments.

34 (2) Provide more effective planning of postsecondary education  
35 on a statewide basis.

36 (3) Facilitate achievement of the goals of educational equity.

37 (4) Enable public and independent higher education to meet  
38 more effectively the educational needs of a geographic region.

39 (5) Facilitate student progress from one segment to another,  
40 particularly with regard to preparation of students for higher

1 education as well as the transfer from campuses of the California  
2 Community Colleges to four-year institutions.

3 (c) The leaders responsible for public and independent  
4 institutions of higher education and the Superintendent shall work  
5 together to promote and facilitate the development of  
6 intersegmental programs and other cooperative efforts aimed at  
7 improving the progress of students through the educational systems  
8 and at strengthening the teaching profession at all levels.

9 (d) The California Commission on Higher Education  
10 Performance and Accountability shall be responsible for reviewing  
11 and evaluating the effectiveness of intersegmental activities in  
12 accomplishing the established goals, and shall report its findings  
13 to the Governor and Legislature biennially.

14 SEC. 16. Section 66040.3 of the Education Code is amended  
15 to read:

16 66040.3. (a) Pursuant to Section 66040, and notwithstanding  
17 Section 66010.4, in order to meet specific educational leadership  
18 needs in the California public schools and community colleges,  
19 the California State University is authorized to award the Doctor  
20 of Education (Ed.D.) degree as defined in this section. The  
21 authority to award degrees granted by this article is limited to the  
22 discipline of education. The Doctor of Education degree offered  
23 by the California State University shall be distinguished from  
24 doctoral degree programs at the University of California.

25 (b) The Doctor of Education degree offered by the California  
26 State University shall be focused on preparing administrative  
27 leaders for California public elementary and secondary schools  
28 and community colleges and on the knowledge and skills needed  
29 by administrators to be effective leaders in California public  
30 schools and community colleges. The Doctor of Education degree  
31 offered by the California State University shall be offered through  
32 partnerships through which the California public elementary and  
33 secondary schools and community colleges shall participate  
34 substantively in program design, candidate recruitment and  
35 admissions, teaching, and program assessment and evaluation.  
36 This degree shall enable professionals to earn the degree while  
37 working full time.

38 (c) This article does not limit or preclude the California  
39 Commission on Higher Education Performance and Accountability  
40 from exercising its authority under Chapter 11 (commencing with

1 Section 66900) to review, evaluate, and make recommendations  
2 relating to, any and all programs established under this article.

3 SEC. 17. Section 66742 of the Education Code is amended to  
4 read:

5 66742. (a) The governing boards of the three public segments  
6 of higher education shall present annual statistical reports on  
7 transfer patterns via the California Commission on Higher  
8 Education Performance and Accountability to the Governor and  
9 Legislature. The reports shall include recent statistics on student  
10 enrollments by campus, segment, gender, ethnicity, and the ratio  
11 of upper division to lower division, including information on both  
12 freshman and transfer student access to the system. These reports  
13 should include, to the extent that data are available or become  
14 available, data on application, admission, and enrollment  
15 information for all students by sex, ethnicity, and campus. For  
16 transfer students, this data shall indicate the segment of origin for  
17 all students. In addition, data shall be separately identified for  
18 transfer students from California Community Colleges, and shall  
19 identify the subset of applications that are completed together with  
20 admission, enrollment, and declared major information for that  
21 group.

22 (b) The reports shall describe the number of transfer agreements,  
23 if any, whose terms and conditions were not satisfied by either the  
24 California State University or the University of California, the  
25 number of California Community College transfer students denied  
26 either admission to the student's first choice of a particular campus  
27 of the California State University or the University of California  
28 or the student's first choice of a major field of study, and, among  
29 those students, the number of students who, upon denial of either  
30 of the student's first choices, immediately enrolled at another  
31 campus of the California State University or the University of  
32 California. The reports shall also include information by sex and  
33 ethnicity on retention and degree completion for transfer students  
34 as well as for native students, and the number and percentage of  
35 baccalaureate degree recipients who transferred from a community  
36 college campus.

37 SEC. 18. Section 66743 of the Education Code is amended to  
38 read:

39 66743. The California Commission on Higher Education  
40 Performance and Accountability is requested to convene an

1 intersegmental advisory committee on transfer access and  
2 performance for purposes of presenting biennial reports to the  
3 Governor and the Legislature on the status of transfer policies and  
4 programs, the diligence of each segment's board, and the  
5 effectiveness of these programs in meeting the state's goals for  
6 transfer. The report shall include information about all of the  
7 following:

8 (a) The effectiveness of transfer agreement programs and  
9 activities in enhancing the transfer function overall as well as the  
10 extent to which transfer program activities have been directed at  
11 students who have been historically underrepresented in the  
12 University of California and the California State University.

13 (b) The status of the implementation of the transfer core  
14 curriculum, as described in Section 66720, for each community  
15 college, including information about the extent to which sophomore  
16 level courses needed for transfer are available on all community  
17 college campuses.

18 (c) Progress that has been made in achieving articulation  
19 agreements in those specific majors that have lower division  
20 prerequisites, and the dissemination of this information. The  
21 committee shall also explore methods to systematically measure  
22 the extent to which the state's goals of freshmen and transfer  
23 student access are being met, including analyses of the number of  
24 fully eligible freshmen or transfer students who are denied access  
25 to the system, and the reasons for that denial. The committee shall  
26 also address ways in which sharing of information about transfer  
27 students among the segments can be improved, including early  
28 identification of potential transfer students for intensive recruitment  
29 purposes.

30 (d) The Governor and the Legislature shall monitor the success  
31 of the University of California and the California State University  
32 in achieving their targeted enrollment levels and in implementing  
33 these reforms. A substantial failure to implement reform, to achieve  
34 the 60/40 ratio by the designated dates, or to improve the transfer  
35 rate of historically underrepresented groups significantly, shall  
36 precipitate legislative hearings to determine the reasons why any  
37 one or all of these goals have not been met.

38 SEC. 19. The heading of Chapter 11 (commencing with Section  
39 66900) of Part 40 of Division 5 of Title 3 of the Education Code  
40 is amended to read:

1 CHAPTER 11. CALIFORNIA COMMISSION ON HIGHER EDUCATION  
2 PERFORMANCE AND ACCOUNTABILITY

3  
4 SEC. 20. Section 66900 of the Education Code is repealed.

5 SEC. 21. Section 66900 is added to the Education Code, to  
6 read:

7 66900. For purposes of this chapter, the following terms have  
8 the following meanings:

9 (a) “Commission” means the California Commission on Higher  
10 Education Performance and Accountability, established pursuant  
11 to subdivision (a) of Section 66901.

12 (b) “Director” means the Director of the California Commission  
13 on Higher Education Performance and Accountability, appointed  
14 by the commission pursuant to subdivision (m) of Section 66901.

15 SEC. 22. Section 66901 of the Education Code is amended to  
16 read:

17 66901. (a) There is hereby established the California  
18 Commission on Higher Education Performance and Accountability,  
19 which shall be advisory to the Governor, the Legislature, other  
20 appropriate governmental officials, and institutions of  
21 postsecondary education. The commission shall be composed of  
22 17 members of the general public, appointed as follows:

23 (1) Four members shall be appointed by the Speaker of the  
24 Assembly.

25 (2) Four members shall be appointed by the Senate Committee  
26 on Rules.

27 (3) Nine members, including a chairperson of the commission,  
28 shall be appointed by the Governor, subject to confirmation by the  
29 Senate.

30 (b) A person who is employed by any institution of public or  
31 private postsecondary education shall not be appointed to or serve  
32 on the commission, except that a person who is not a permanent,  
33 full-time employee and who has part-time teaching duties that do  
34 not exceed six hours per week may be appointed to and serve on  
35 the commission.

36 (c) Appointments to the commission shall be representative of  
37 civic, business, and public school leaders.

38 (d) The commission members shall serve at the pleasure of their  
39 respective appointing authorities. The members appointed pursuant  
40 to paragraphs (1) and (2) of subdivision (a) shall each serve a

1 six-year term. The members appointed pursuant to paragraph (3)  
2 of subdivision (a) shall initially serve a three-year term, and shall  
3 serve a six-year term thereafter. The respective appointing authority  
4 may appoint an alternate for each member who may, during the  
5 member's absence, serve on the commission and vote on matters  
6 before the commission. When vacancies occur prior to expiration  
7 of terms, the respective appointing authority may appoint a member  
8 for the remainder of the term.

9 (e) Any person appointed pursuant to this section may be  
10 reappointed to serve additional terms.

11 (f) All terms subsequent to the initial appointments shall begin  
12 on January 1 of the year in which the respective terms are to start.

13 (g) Any person appointed pursuant to this section who no longer  
14 has the position that made him or her eligible for appointment may  
15 nonetheless complete his or her term of office on the commission.

16 (h) A person appointed pursuant to this section shall not, with  
17 respect to any matter before the commission, vote for or on behalf  
18 of, or in any way exercise the vote of, any other member of the  
19 commission.

20 (i) The commission shall meet as often as it deems necessary  
21 to carry out its duties and responsibilities.

22 (j) Any member of the commission who in any calendar year  
23 misses more than one-third of the meetings of the full commission  
24 forfeits his or her office, thereby creating a vacancy.

25 (k) There is established an advisory committee to the  
26 commission and the director, consisting of the chief executive  
27 officers of each of the public segments, or their designees, the  
28 Superintendent or his or her designee, one student representative  
29 who shall be enrolled at a California postsecondary educational  
30 institution at the time of appointment and during the term of  
31 service, one executive officer from among the independent  
32 California colleges and universities that are formed and operated  
33 as nonprofit corporations in this state and are accredited by a  
34 regional association that is recognized by the United States  
35 Department of Education, and one executive officer of the Council  
36 for Private Postsecondary and Vocational Education to be  
37 designated by the commission. Commission meeting agenda items  
38 and associated documents shall be provided to the committee in a  
39 timely manner for its consideration and comments.



1 (l) The commission may appoint any subcommittees or advisory  
2 committees it deems necessary to advise the commission on matters  
3 of educational policy. The advisory committees may consist of  
4 commission members or nonmembers, or both, including students,  
5 faculty members, segmental representatives, governmental  
6 representatives, and representatives of the public.

7 (m) The commission shall appoint a director, subject to  
8 confirmation by the Senate. The director shall appoint persons to  
9 any staff positions the commission may authorize.

10 (n) The commission shall prescribe rules for the transaction of  
11 its own affairs, subject to all the following requirements and  
12 limitations:

13 (1) The votes of all representatives shall be recorded.

14 (2) Effective action shall require the affirmative vote of a  
15 majority of all the duly appointed members of the commission,  
16 not including vacant commission seats.

17 (3) The affirmative votes of two-thirds of all the duly appointed  
18 members of the commission, not including vacant commission  
19 seats, shall be necessary to ~~the appointment of~~ *appoint* the director.

20 SEC. 23. Section 66902.5 of the Education Code is repealed.

21 SEC. 24. Section 66903 of the Education Code is amended to  
22 read:

23 66903. The commission has the following functions and  
24 responsibilities in its capacity as the statewide postsecondary  
25 education planning and coordinating agency and adviser to the  
26 Legislature and the Governor:

27 (a) It shall articulate and monitor state performance objectives  
28 for higher education.

29 (b) It shall advise the Legislature and the Governor regarding  
30 the need for, and location of, new institutions and campuses of  
31 public higher education.

32 (c) It shall review proposals by the public segments for new  
33 programs, the priorities that guide them, and the degree of  
34 coordination with nearby public, independent, and private  
35 postsecondary educational institutions, and shall make  
36 recommendations regarding those proposals to the Legislature and  
37 the Governor.

38 (d) (1) It shall act as a clearinghouse for postsecondary  
39 education information and as a primary source of information for  
40 the Legislature, the Governor, and other agencies. It shall develop

1 and maintain a comprehensive database that does all of the  
2 following:

3 (A) Ensures comparability of data from diverse sources.

4 (B) Supports longitudinal studies of individual students as they  
5 progress through the state's postsecondary educational institutions,  
6 based upon the commission's existing student database through  
7 the use of a unique student identifier.

8 (C) Is compatible with ~~the California School Information System~~  
9 *Services* and the student information systems developed and  
10 maintained by the public segments of higher education, as  
11 appropriate.

12 (D) Provides Internet access to data, as appropriate, to the sectors  
13 of higher education.

14 (E) Provides each of the educational segments access to the data  
15 made available to the commission for purposes of the database, in  
16 order to support, most efficiently and effectively, statewide,  
17 segmental, and individual campus educational research information  
18 needs.

19 (2) The commission, in implementing paragraph (1), shall  
20 comply with the federal Family Educational Rights and Privacy  
21 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of  
22 personally identifiable information concerning students.

23 (3) The commission may not make available any personally  
24 identifiable information received from a postsecondary educational  
25 institution concerning students for any regulatory purpose unless  
26 the institution has authorized the commission to provide that  
27 information on behalf of the institution.

28 (4) The commission shall provide 30-day notification to the  
29 chairpersons of the appropriate legislative policy and budget  
30 committees of the Legislature, to the Director of Finance, and to  
31 the Governor before making any significant changes to the student  
32 information contained in the database.

33 (e) It shall review all proposals for changes in eligibility pools  
34 for admission to public institutions and segments of postsecondary  
35 education, and shall make recommendations to the Legislature,  
36 the Governor, and institutions of postsecondary education. In  
37 carrying out this subdivision, the commission periodically shall  
38 conduct a study of the percentages of California public high school  
39 graduates estimated to be eligible for admission to the University  
40 of California and the California State University.

1 ~~(f) It shall increase educational achievement in postsecondary~~  
2 ~~educational institutions, close educational achievement gaps, and~~  
3 ~~prepare citizens for the workforce.~~

4 ~~(g)~~

5 (f) It shall, through its use of information and its analytic  
6 capacity, inform the identification and periodic revision of state  
7 goals and priorities for higher education *in a manner that is*  
8 *consistent with the goals outlined in Section 66010.91 and the*  
9 *metrics outlined in Sections 89295 and 92675.* It shall, biennially,  
10 interpret and evaluate both statewide and institutional performance  
11 in relation to these goals and priorities.

12 ~~(h)~~

13 (g) It shall submit reports to the Legislature in compliance with  
14 Section 9795 of the Government Code.

15 ~~(i)~~

16 (h) It shall manage data systems and maintain programmatic,  
17 policy, and fiscal expertise to receive and aggregate information  
18 reported by the institutions of higher education in this state.

19 ~~(j)~~

20 (i) It shall perform all other duties assigned by the Legislature.

21 SEC. 25. Section 66903.1 of the Education Code is repealed.

22 SEC. 26. Section 66903.2 of the Education Code is repealed.

23 SEC. 27. Section 66903.2 is added to the Education Code, to  
24 read:

25 66903.2. On or before December 31 of each year, the  
26 commission shall report to the Legislature and the Governor  
27 regarding its progress in achieving the objectives and  
28 responsibilities set forth in subdivision (a) of Section 66903.

29 SEC. 28. Section 66903.3 of the Education Code is amended  
30 to read:

31 66903.3. The commission may delegate to the director any  
32 power, duty, purpose, function, or jurisdiction that the commission  
33 may lawfully delegate, including the authority to enter into and  
34 sign contracts on behalf of the commission. The director may  
35 redelegate any of those powers, duties, purposes, functions, or  
36 jurisdictions to his or her designee, unless by statute, or rule or  
37 regulation, the director is expressly required to act personally.

38 SEC. 29. Section 66905 of the Education Code is amended to  
39 read:

1 66905. It is the intent of the Legislature that the commission  
2 annually review and fix the salary of its director according to a  
3 methodology established by the commission. This methodology  
4 shall take into consideration the salary of directors of coordinating  
5 boards for higher education in states with postsecondary education  
6 systems comparable to California's in size, complexity, and level  
7 of state expenditures. The comparison states shall include seven  
8 major industrial states, including Illinois, New Jersey, New York,  
9 Ohio, and Texas. The commission shall notify the Chairperson of  
10 the Joint Legislative Budget Committee of this annual salary  
11 amount. Notwithstanding Section 19825 of the Government Code,  
12 the salary shall become effective no sooner than 30 days after  
13 written notice of the salary is provided to the chairperson of the  
14 committee, or no sooner than a lesser time as the chairperson, or  
15 his or her designee, may determine.

16 SEC. 30. ~~Section 66941 of the Education Code is amended to~~  
17 ~~read:~~

18 ~~66941. (a) The Legislature finds and declares that access to a~~  
19 ~~high quality education is the primary goal for the use of educational~~  
20 ~~technology in higher education. All students in California's public~~  
21 ~~schools and colleges and all adults in the state shall have access~~  
22 ~~to educational opportunities for which they are qualified, regardless~~  
23 ~~of their income level, geographic location, or the size of the school~~  
24 ~~they attend.~~

25 ~~(b) Pursuant to its statutory planning and coordination functions~~  
26 ~~and responsibilities identified in Section 66903, the California~~  
27 ~~Commission on Higher Education Performance and Accountability~~  
28 ~~shall convene an intersegmental working group to determine state~~  
29 ~~funding priorities consistent with the institutional missions of the~~  
30 ~~systems of higher education.~~

31 ~~(c) The intersegmental working group shall observe all of the~~  
32 ~~following principles to guide the development of priorities and the~~  
33 ~~proposed expenditure of state revenues on technology infrastructure~~  
34 ~~and applications:~~

35 ~~(1) Development of a statewide infrastructure that provides~~  
36 ~~compatible connectivity between all levels of education to reduce~~  
37 ~~redundancy and increase efficiency.~~

38 ~~(2) Adherence to nationally and internally accepted protocols~~  
39 ~~and standards.~~

1 ~~(3) Assurance that the standards for course and program quality~~  
2 ~~applied to distance education are rigorous in meeting accreditation~~  
3 ~~standards, Universal Design Standards, and standards currently~~  
4 ~~applied to traditional classroom instruction at higher educational~~  
5 ~~institutions in the areas of course content, student achievement~~  
6 ~~levels, and coherence of the curriculum.~~

7 ~~(4) Collaboration between the private sector and educational~~  
8 ~~institutions in the availability and use of technology in high-priority~~  
9 ~~schools and underserved areas.~~

10 ~~(5) Collaboration across departments, institutions, states, and~~  
11 ~~countries in the use of technology.~~

12 ~~(6) Use of technology to contain costs, improve student~~  
13 ~~outcomes, and enhance quality in instructional and noninstructional~~  
14 ~~functions, such as student services, libraries, and administrative~~  
15 ~~support.~~

16 ~~(d) The intersegmental working group shall be composed of~~  
17 ~~representatives from public elementary and secondary education,~~  
18 ~~the California State University, the California Community~~  
19 ~~Colleges, the University of California, independent accredited~~  
20 ~~universities and colleges, state approved schools and colleges,~~  
21 ~~private sector providers of distance education, the Office of the~~  
22 ~~Secretary of Education, and the private sector.~~

23 ~~(e) The commission shall facilitate the development of statewide~~  
24 ~~funding priorities for technology in higher education.~~

25 *SEC. 30. Section 66941 is added to the Education Code, to*  
26 *read:*

27 *66941. (a) The Legislature finds and declares that access to*  
28 *a high quality education is the primary goal for the use of*  
29 *educational technology in higher education. All students in*  
30 *California's public schools and colleges and all adults in the state*  
31 *shall have access to educational opportunities for which they are*  
32 *qualified, regardless of their income level, geographic location,*  
33 *or the size of the school they attend.*

34 *(b) Pursuant to its statutory planning and coordination functions*  
35 *and responsibilities identified in Section 66903, the California*  
36 *Commission on Higher Education Performance and Accountability*  
37 *shall convene an intersegmental working group to determine state*  
38 *funding priorities consistent with the institutional missions of the*  
39 *systems of higher education.*

1 (c) *The intersegmental working group shall observe all of the*  
2 *following principles to guide the development of priorities and the*  
3 *proposed expenditure of state revenues on technology*  
4 *infrastructure and applications:*

5 (1) *Development of a statewide infrastructure that provides*  
6 *compatible connectivity between all levels of education to reduce*  
7 *redundancy and increase efficiency.*

8 (2) *Adherence to nationally and internally accepted protocols*  
9 *and standards.*

10 (3) *Assurance that the standards for course and program quality*  
11 *applied to distance education are rigorous in meeting accreditation*  
12 *standards, Universal Design standards, and standards currently*  
13 *applied to traditional classroom instruction at higher educational*  
14 *institutions in the areas of course content, student achievement*  
15 *levels, and coherence of the curriculum.*

16 (4) *Collaboration between the private sector and educational*  
17 *institutions in the availability and use of technology in high-priority*  
18 *schools and underserved areas.*

19 (5) *Collaboration across departments, institutions, states, and*  
20 *countries in the use of technology.*

21 (6) *Use of technology to contain costs, improve student*  
22 *outcomes, and enhance quality in instructional and*  
23 *noninstructional functions, such as student services, libraries, and*  
24 *administrative support.*

25 (d) *The intersegmental working group shall be composed of*  
26 *representatives from public elementary and secondary education,*  
27 *the California State University, the California Community*  
28 *Colleges, the University of California, independent accredited*  
29 *universities and colleges, state-approved schools and colleges,*  
30 *private sector providers of distance education, the Office of the*  
31 *Secretary of Education, and the private sector.*

32 (e) *The commission shall facilitate the development of statewide*  
33 *funding priorities for technology in higher education.*

34 SEC. 31. Section 67002 of the Education Code is amended to  
35 read:

36 67002. The California Commission on Higher Education  
37 Performance and Accountability is designated as the state  
38 educational agency to carry out the purposes and provisions of the  
39 federal Education Amendments of 1972 (Public Law 92-318), the  
40 federal Education Amendments of 1976 (Public Law 94-482), and

1 subsequent enactments amendatory or supplementary thereto, as  
2 follows:

3 (a) The commission is designated as the state commission  
4 required to be established pursuant to Section 1202 of Title X of  
5 the federal Higher Education Act of 1965 (Public Law 89-329) as  
6 amended by the federal Education Amendments of 1972 (Public  
7 Law 92-318).

8 (b) The commission is designated as the state administrative  
9 agency required to be established pursuant to Section 1055 of Title  
10 X of the federal Higher Education Act of 1965 (Public Law 89-329)  
11 as amended by the federal Education Amendments of 1972 (Public  
12 Law 92-318), unless that designation is determined by the federal  
13 government to be in conflict with federal law or regulations.

14 (c) The commission is designated as the state administrative  
15 agency required to be established pursuant to Section 105 of Title  
16 ~~I~~, Section 122 of Title III, Section 603 of Title VI, and Section  
17 704 of Title VII of the federal Higher Education Act of 1965  
18 (Public Law 89-329), as amended by the federal Education  
19 Amendments of 1972 (Public Law 92-318). The California  
20 Commission on Higher Education Performance and Accountability  
21 is hereby vested with authority to prepare and submit to the United  
22 States Commissioner of Education any state plan required by that  
23 act of Congress, to prepare and submit amendments to those state  
24 plans, and to administer those state plans or amendments thereto,  
25 in accordance with that act of Congress and any rules and  
26 regulations adopted under that act. Any such state plan or  
27 amendment thereto prepared by the California Commission on  
28 Higher Education Performance and Accountability shall be subject  
29 to the approval of the Department of Finance to the extent required  
30 by Section 13326 of the Government Code. The California  
31 Commission on Higher Education Performance and Accountability  
32 is hereby vested with all necessary power and authority to  
33 cooperate with the government of the United States, or any agency  
34 or agencies thereof in the administration of the act of Congress  
35 and the rules and regulations adopted under that act.

36 SEC. 32. Section 67003 of the Education Code is amended to  
37 read:

38 67003. The Trustees of the California State University on behalf  
39 of the California State University, the Regents of the University  
40 of California on behalf of the university, the Board of Governors

1 of the California Community Colleges on behalf of the community  
2 colleges, and the Board of Governors of the California Maritime  
3 Academy on behalf of the California Maritime Academy, are vested  
4 with all power and authority to perform all acts necessary to receive  
5 the benefits and to expend the funds provided by the acts of  
6 Congress described in Section 67000 and with all necessary power  
7 and authority to cooperate with the government of the United  
8 States, or any agency or agencies thereof, and with the California  
9 Commission on Higher Education Performance and Accountability  
10 for the purpose of receiving the benefits and expending the funds  
11 provided by the act of Congress, in accordance with the act, or any  
12 rules or regulations adopted thereunder, or any state plan or rules  
13 or regulations of the California Commission on Higher Education  
14 Performance and Accountability adopted in accordance with the  
15 act of Congress. Whenever necessary to secure the full benefits of  
16 the act of Congress for loans or grants for academic facilities, the  
17 trustees, regents, or boards of governors may give any required  
18 security and may comply with any conditions imposed by the  
19 federal government.

20 SEC. 33. Section 67312 of the Education Code is amended to  
21 read:

22 67312. (a) The Board of Governors of the California  
23 Community Colleges and the Trustees of the California State  
24 University shall, for their respective systems, and the Regents of  
25 the University of California may, do the following:

26 (1) Work with the California Commission on Higher Education  
27 Performance and Accountability and the Department of Finance  
28 to develop formulas or procedures for allocating funds authorized  
29 under this chapter.

30 (2) Adopt rules and regulations necessary to the operation of  
31 programs funded pursuant to this chapter.

32 (3) Maintain the present intersegmental efforts to work with the  
33 California Commission on Higher Education Performance and  
34 Accountability and other interested parties, to coordinate the  
35 planning and development of programs for students with  
36 disabilities, including, but not necessarily limited to, the  
37 establishment of common definitions for students with disabilities  
38 and uniform formats for reports required under this chapter.

39 (4) Develop and implement, in consultation with students and  
40 staff, a system for evaluating state-funded programs and services



1 for disabled students on each campus at least every five years. At  
2 a minimum, these systems shall provide for the gathering of  
3 outcome data, staff and student perceptions of program  
4 effectiveness, and data on the implementation of the program and  
5 physical accessibility requirements of the federal Rehabilitation  
6 Act of 1973 (Public Law 93-112) contained in Section 794 of Title  
7 29 of the United States Code.

8 (b) Commencing in January 1990, and every two years  
9 thereafter, the Board of Governors of the California Community  
10 Colleges shall submit a report to the Governor, the education policy  
11 committees of the Legislature, and the California Commission on  
12 Higher Education Performance and Accountability describing its  
13 efforts to serve students with disabilities. These biennial reports  
14 shall also include a review on a campus-by-campus basis of the  
15 enrollment, retention, transition, and graduation rates of disabled  
16 students, including categorical funding of those programs.

17 SEC. 34. Section 67382 of the Education Code is amended to  
18 read:

19 67382. (a) (1) On or before January 1, 2004, and every three  
20 years thereafter, the State Auditor shall report the results of an  
21 audit of a sample of not less than six institutions of postsecondary  
22 education in California that receive federal student aid, to evaluate  
23 the accuracy of their statistics and the procedures used by the  
24 institutions to identify, gather, and track data for publishing,  
25 disseminating, and reporting accurate crime statistics in compliance  
26 with the requirements of the federal Jeanne Clery Disclosure of  
27 Campus Security Policy and Campus Crime Statistics Act (20  
28 U.S.C. Sec. 1092 (f)(1) and (5)).

29 (2) The results of the audits described in paragraph (1) shall be  
30 submitted to the respective chairs of the Assembly Committee on  
31 Higher Education and the Senate Committee on Education.

32 (b) The California Commission on Higher Education  
33 Performance and Accountability shall provide on its Internet Web  
34 site a link to the Internet Web site of each California institution of  
35 higher education that includes on that Internet Web site the  
36 institution's criminal statistics information.

37 (c) The Legislature finds and declares that institutions of higher  
38 education that are subject to the federal Jeanne Clery Disclosure  
39 of Campus Security Policy and Campus Crime Statistics Act (20  
40 U.S.C. Sec. 1092(f)(1) and (5)), should establish and publicize a

1 policy that allows victims or witnesses to report crimes to the  
2 campus police department or to a specified campus security  
3 authority, on a voluntary, confidential, or anonymous basis.

4 SEC. 35. Section 68052 of the Education Code is amended to  
5 read:

6 68052. (a) It is the intent of the Legislature that California's  
7 public institutions of higher education shall establish nonresident  
8 student tuition policies that are consistent with their resident student  
9 fee policies. Nonresident student tuition shall be determined by  
10 each of the public postsecondary segments through the adoption  
11 of a methodology that annually establishes the nonresident student  
12 tuition rate. It is further the intent of the Legislature that, while the  
13 public institutions are to be provided flexibility in establishing  
14 their nonresident tuition, under no circumstances shall the level  
15 of nonresident tuition plus required fees fall below the marginal  
16 cost of instruction for that segment.

17 (b) The following state policies regarding nonresident student  
18 tuition are hereby established:

19 (1) Unless otherwise prescribed by statute, an admission fee  
20 and rate of tuition fixed by each public postsecondary governing  
21 board shall be required of each nonresident student. Each public  
22 postsecondary education governing body shall develop its own  
23 methodology for establishing the nonresident tuition level and its  
24 annual adjustment level of nonresident student tuition, unless  
25 otherwise prescribed by statute.

26 (2) As California's public postsecondary education segments  
27 annually adjust the level of nonresident tuition they charge  
28 out-of-state students, the nonresident tuition methodologies they  
29 develop and use should take into consideration, at minimum, the  
30 following two factors:

31 (A) For the University of California and the California State  
32 University, the total nonresident charges imposed by each of their  
33 public comparison institutions, as identified by the California  
34 Commission on Higher Education Performance and Accountability.

35 (B) The full average cost of instruction of their segment.

36 (3) It is the intent of the Legislature that under no circumstances  
37 shall an institution's level of nonresident tuition plus required  
38 student fees fall below the marginal cost of instruction for that  
39 segment.

1 (4) The University of California, the California State University,  
2 the Hastings College of the Law, and the California Maritime  
3 Academy should endeavor to ensure that increases in the level of  
4 nonresident tuition are gradual, moderate, and predictable by  
5 providing nonresident students with a minimum of a 10-month  
6 notice of tuition increases.

7 (c) This section does not apply to the California Community  
8 Colleges.

9 (d) In the event that state revenues and expenditures are  
10 substantially imbalanced due to factors unforeseen by the Governor  
11 and the Legislature, including, but not limited to, initiative  
12 measures, natural disasters, or sudden deviations from expected  
13 economic trends, the nonresident student tuition at the University  
14 of California, the California State University, the Hastings College  
15 of the Law, and the California Maritime Academy, shall not be  
16 subject to this section.

17 SEC. 36. Section 69562 of the Education Code is amended to  
18 read:

19 69562. The Student Aid Commission shall establish a  
20 12-member project grant advisory committee to advise project  
21 directors and the commission on the development and operation  
22 of the projects, and consisting of the following:

23 (a) Three representatives of outreach programs, representing  
24 the University of California, the California State University, and  
25 the California Community Colleges, appointed by their respective  
26 governing boards.

27 (b) One representative of private colleges and universities,  
28 appointed by the Association of California Independent Colleges  
29 and Universities.

30 (c) One representative of the California Commission on Higher  
31 Education Performance and Accountability, appointed by the  
32 Student Aid Commission.

33 (d) Two secondary school staff, appointed by the Superintendent.

34 (e) Two persons representing the general public, one appointed  
35 by the Speaker of the Assembly and the other by the Senate  
36 Committee on Rules.

37 (f) Two postsecondary students, both appointed annually by the  
38 California Commission on Higher Education Performance and  
39 Accountability.

1 (g) One college campus financial aid officer, appointed by the  
2 Student Aid Commission.

3 SEC. 37. Section 69655 of the Education Code is amended to  
4 read:

5 69655. (a) Pursuant to Section 69648, the Chancellor of the  
6 California Community Colleges shall determine the elements of  
7 a statewide database for the Community College Extended  
8 Opportunity Programs and Services, which shall be used for  
9 periodic evaluation of the programs and services. The database  
10 shall include all information necessary to demonstrate the statewide  
11 progress towards achieving the program goals identified in Section  
12 69640, and program objectives adopted pursuant to Section 69648  
13 including, but not limited to, all of the following:

14 (1) The annual number of extended opportunity programs and  
15 services (EOPS) students and non-EOPS students who complete  
16 degree or certificate programs, transfer programs, or other  
17 programs, as determined by state and local matriculation policies.

18 (2) The annual number of EOPS and non-EOPS students who  
19 transfer to institutions that award the baccalaureate degree. In  
20 implementing this paragraph, the chancellor shall work in  
21 cooperation with the California Commission on Higher Education  
22 Performance and Accountability, the President of the University  
23 of California, the Chancellor of the California State University,  
24 and the Association of Independent Colleges and Universities to  
25 establish methods for obtaining the necessary data.

26 (3) (A) The annual number of EOPS and non-EOPS students  
27 completing occupational programs who find career employment.

28 (B) In implementing this paragraph, the chancellor shall  
29 integrate the data collection with existing data collection  
30 requirements pertaining to vocational education.

31 (b) Beginning in January 1987, the chancellor shall annually  
32 report to the Legislature regarding the number of students served  
33 by the Community College Extended Opportunity Programs and  
34 Services and the number of EOPS students who achieve their  
35 educational objectives.

36 SEC. 38. Section 69966 of the Education Code is amended to  
37 read:

38 69966. The Student Aid Commission shall administer the  
39 California State Work-Study Program in consultation with an  
40 advisory committee. The membership of the advisory committee,

1 which may be an existing advisory committee established by the  
2 commission, shall be representative of, but need not be limited to,  
3 financial aid and student employment administrators from each  
4 segment of postsecondary education, students, public schools,  
5 employers, the California Commission on Higher Education  
6 Performance and Accountability, and experiential education  
7 personnel.

8 SEC. 39. Section 74292 of the Education Code is amended to  
9 read:

10 74292. Notwithstanding any other law, the following steps  
11 shall be taken to address the imminent risk that Compton  
12 Community College's accreditation will be terminated by the  
13 regional accrediting body recognized by the Board of Governors  
14 of the California Community Colleges:

15 (a) The Chancellor of the California Community Colleges is  
16 authorized to oversee all actions at the Compton Community  
17 College District related to the loss of the college's accreditation  
18 and efforts described in this article to address that situation. The  
19 Compton Community College District shall reimburse the Board  
20 of Governors of the California Community Colleges for any  
21 expenses incurred by the chancellor or his or her staff in carrying  
22 out this oversight responsibility.

23 (b) The Compton Community College District shall complete  
24 the provision of instruction for all classes for which it intends to  
25 claim apportionment prior to the date of its loss of accreditation.

26 (c) Notwithstanding any other law, the Compton Community  
27 College District shall continue to be eligible to receive state funding  
28 as provided in this article even if its accreditation is terminated.

29 (d) (1) The Compton Community College District shall identify  
30 a partner district that will agree to provide accredited instructional  
31 programs to students residing in the Compton Community College  
32 District. The special trustee assigned to the Compton Community  
33 College District pursuant to Section 71093 and the partner district  
34 are authorized to enter into one or more agreements to provide  
35 instructional services or other services, and to make any other  
36 necessary preparations to implement the educational programs  
37 described in this article, as well as any related necessary  
38 administrative or support services, in a timely manner so as to  
39 ensure that services to Compton Community College students will  
40 not be interrupted and that those students will remain eligible for

1 federal financial assistance. The agreement or agreements shall  
2 provide that the partner district is entitled to receive a reasonable  
3 administrative fee to be fixed by the mutual agreement of the  
4 parties.

5 (2) The partner district shall be a district in good standing with  
6 the Accrediting Commission for Community and Junior Colleges  
7 (ACCJC), and shall have successfully completed the accreditation  
8 cycle and secured accreditation for its colleges. A district with a  
9 college that is on warning, probation, or show-cause status with  
10 the ACCJC, or that is being monitored for fiscal stability by the  
11 chancellor's office is not considered a district in good standing for  
12 purposes of this article.

13 (e) The partner district may offer any programs or courses for  
14 which it has secured applicable approvals. In addition, any  
15 programs and courses that were previously approved by the board  
16 of governors to be offered by the Compton Community College  
17 District may continue to be offered by the partner district in the  
18 territory of the Compton Community College District without  
19 additional state approval until June 30, 2011.

20 (f) No later than 30 days after Compton Community College's  
21 loss of accreditation, the board of governors shall approve the  
22 facilities of Compton Community College as an off-campus  
23 educational center of the partner district. The center shall be known  
24 as the Compton Community Educational Center. The board of  
25 governors shall give notice of its approval to the county committee  
26 and county superintendent having jurisdiction over any territory  
27 affected by the action.

28 (g) The board of governors may permanently or temporarily  
29 waive any of its regulatory requirements necessary to effectuate  
30 this article, including, but not necessarily limited to, its regulations  
31 regarding educational centers.

32 (h) The partner district is eligible to provide instruction at the  
33 center without the recommendation of the California Commission  
34 on Higher Education Performance and Accountability under  
35 Section 66904 until the district secures the commission's  
36 recommendation for the facility to operate as an off-campus  
37 educational center or until June 30, 2011, whichever occurs first.

38 (i) The partner district shall comply with all federal requirements  
39 to ensure that students taking classes offered by the partner district

1 at the Compton Community Educational Center remain eligible  
2 for federal financial assistance.

3 (j) Students enrolled in the Compton Community College  
4 District as of January 31, 2006, shall be subject to the following  
5 conditions:

6 (1) The partner district shall ensure that any student who, by  
7 the end of the Spring 2006 term, has completed at least 75 percent  
8 of the courses required for the degree or certificate he or she is  
9 pursuing will be able to complete that program. Every reasonable  
10 effort shall be made to allow other students who have begun work  
11 toward a certificate or degree, but who have not completed 75  
12 percent of the required coursework, to continue and complete their  
13 programs.

14 (2) Students enrolling in classes provided by the partner district  
15 pursuant to this section shall be considered students of the partner  
16 district, shall receive credit from the partner district for classes  
17 they successfully complete, shall receive certificates or degrees  
18 they earn from the partner district, and shall receive financial aid  
19 through the partner district if they meet all applicable eligibility  
20 requirements.

21 (3) The partner district shall maintain student records related to  
22 the attendance of students in classes it offers pursuant to this  
23 section in accordance with all applicable state and federal laws.

24 (4) The partner district shall consider each student who enrolls  
25 for classes no later than the Spring 2007 term to be a continuing  
26 student for purposes of enrollment priorities.

27 (5) Any regulations of the board of governors relating to  
28 minimum residence at the college granting a degree shall not be  
29 applicable.

30 (k) The board of governors shall adopt any regulations necessary  
31 to implement this article. These regulations may be adopted as  
32 emergency regulations that may remain in effect for up to one year  
33 from the date of adoption, and shall not be subject to paragraph  
34 (5) or (6) of subdivision (a) of Section 70901.5 or to Chapter 3.5  
35 (commencing with Section 11340) of Part 1 of Division 3 of Title  
36 2 of the Government Code.

37 (l) (1) The partner district shall provide the services described  
38 in this article for a minimum of five years from the date those  
39 services commence pursuant to subdivision (d), and shall thereafter  
40 provide the services for any additional period determined necessary

1 by the board of governors. In addition, the board of governors may  
2 require, in its sole discretion, that the services described herein be  
3 modified or terminated at an earlier date based on the best interests  
4 of the California Community Colleges system and its students.

5 (2) Notwithstanding paragraph (1), either the partner district or  
6 the special trustee appointed pursuant to Section 71093 may initiate  
7 termination of the agreements described in subdivision (d) by  
8 giving 180 days' written notice to the other party and to the board  
9 of governors. No termination pursuant to this subdivision may take  
10 effect until the end of the semester following the notice provided  
11 under this paragraph, so as to protect students from a mid-term  
12 interruption of educational services. Should the partner district  
13 provide notice of a desire to terminate any agreements at a time  
14 when the trustee determines that services provided under those  
15 agreements are still necessary to serve the interests of Compton  
16 students and residents or at a time when the Compton Community  
17 College District is not fully accredited and bonds issued pursuant  
18 to Section 41329.52 are outstanding, the partner district shall  
19 continue the services until it can secure a district to provide  
20 uninterrupted comparable services to the satisfaction of the special  
21 trustee.

22 (m) (1) The Compton Community College District shall  
23 continue to be responsible for ensuring that all of its permanent  
24 records are retained and stored as required by state law and that  
25 all records related to its administration of programs under Title IV  
26 of the federal Higher Education Act are retained for a minimum  
27 of three years after the conclusion of its participation in those  
28 programs.

29 (2) The Compton Community College District shall be  
30 responsible for institutional actions related to the loss of  
31 accreditation, including actions that are required under Section  
32 688.26 of Title 34 of the Code of Federal Regulations, related to  
33 the ending of the participation of the Compton Community College  
34 District in programs under Title IV of the federal Higher Education  
35 Act, *Act of 1965*, refunding any students' unearned tuition and  
36 fees, refunding to the federal government any unexpended federal  
37 student financial aid funds, returning to lenders any loan proceeds  
38 not distributed to students, or the collection of outstanding student  
39 debts to the Compton Community College District.



1 (n) In addition to addressing the ongoing educational needs of  
2 the students of the Compton Community College District, the  
3 partner district and the special trustee appointed pursuant to Section  
4 71093 shall take steps aimed at achieving the goal of seeking  
5 renewed accreditation for Compton Community College at the  
6 earliest feasible date. Progress toward achieving this goal shall be  
7 periodically reported to the board of governors.

8 (o) A person, ~~firm~~*firm*, or organization shall not, without the  
9 permission of the Compton Community College District, use the  
10 name “Compton Community College,” or any name of which these  
11 words are a part, or any abbreviation thereof.

12 SEC. 40. Section 81004 of the Education Code is amended to  
13 read:

14 81004. (a) A community college may develop a public-private  
15 partnership for the purpose of constructing education buildings or  
16 education centers. The facilities may be constructed on a site  
17 donated through the public-private partnership agreement between  
18 the community college and the private sector. The construction of  
19 any education building or education center is subject to approval  
20 by the Board of Governors of the California Community Colleges  
21 if the education building or education center is eligible for state  
22 funding for construction, equipment, or ongoing maintenance.  
23 Community colleges shall not be eligible to receive state funds for  
24 off-campus centers unless recommended by the California  
25 Commission on Higher Education Performance and Accountability  
26 pursuant to Section 66904.

27 (b) (1) If a community college requests state funding for an  
28 education building or education center constructed through a  
29 public-private partnership, funding for that facility shall not  
30 supersede community college facilities that have been previously  
31 prioritized by the board of governors and are awaiting state  
32 funding. These facilities shall be subject to the board of governors’  
33 annual prioritization process and shall not receive higher priority  
34 for state funding solely because the facilities are constructed  
35 through a public-private partnership.

36 (2) Any state funding to reimburse a community college for  
37 construction of a facility pursuant to this subdivision shall not  
38 exceed that community college’s share of costs.

39 (c) A community college may request state funding for  
40 instructional equipment for an education building or education

1 center that is constructed through a public-private partnership or  
2 that is acquired without state funding. However, funding for that  
3 equipment shall be provided in the same manner as for other  
4 community college facilities, provided that the construction or  
5 acquisition of the facility otherwise would have qualified as a  
6 priority project for state funding.

7 (d) On or before January 1, 1999, the board of governors shall  
8 adopt regulations to implement this section. However, prior to  
9 adopting these regulations, the Chancellor of the California  
10 Community Colleges shall consult with the Department of Finance  
11 and the Legislative Analyst.

12 SEC. 41. Section 81005 of the Education Code is amended to  
13 read:

14 81005. (a) State funds provided for the capital outlay financing  
15 needs of the California Community Colleges may be used to  
16 acquire an existing government-owned or privately-owned building  
17 and for the necessary costs of converting that building to  
18 community college use. A community college district that is  
19 eligible for state funding for capital outlay financing may purchase  
20 an existing government-owned or privately-owned building and  
21 convert it to community college use with state funds if all of the  
22 following criteria apply:

23 (1) The building to be purchased was constructed as, and  
24 continues to qualify as, a school building pursuant to Article 7  
25 (commencing with Section 81130), or the building is determined  
26 to have, or is rehabilitated to an extent that it is determined to have,  
27 a pupil safety performance standard that is equivalent to that of a  
28 building constructed pursuant to Article 7 (commencing with  
29 Section 81130). In making the determination of the pupil safety  
30 performance standard as required in this paragraph, all of the  
31 requirements of paragraphs (1) and (2) of subdivision (a) of Section  
32 81149 shall be met.

33 (2) The total cost of purchasing and converting the existing  
34 building to community college use is not greater than the estimated  
35 cost of constructing an equivalent building.

36 (3) The land associated with a building to be purchased will be  
37 owned by, or controlled through a long-term lease by, the  
38 community college district. As used in this section, "long-term  
39 lease" means a lease with a term of at least 50 years.

1 (4) The district has complied with facility site review procedures  
2 and guideline recommendations of the California Commission on  
3 Higher Education Performance and Accountability pursuant to  
4 Section 66904.

5 (b) Funding for a building to be purchased under this section  
6 shall not supersede funding for community college facilities that  
7 have previously been prioritized by the board of governors and  
8 are awaiting state funding. Buildings purchased under this section  
9 shall be subject to the annual prioritization process of the board  
10 of governors, and shall not receive higher priority for state funding  
11 because they are existing buildings rather than buildings proposed  
12 to be constructed.

13 (c) A community college district that purchases an existing  
14 building under this section may request state funding for  
15 instructional equipment. Funding for that instructional equipment  
16 shall be provided in accordance with Chapter 4.8 (commencing  
17 with Section 84670) of Part 50, provided that the chancellor  
18 determines that the purchase of this equipment qualifies as a  
19 priority for state funding.

20 SEC. 42. Section 87482.4 of the Education Code is repealed.

21 SEC. 43. Section 89002 of the Education Code is amended to  
22 read:

23 89002. The campuses authorized in paragraphs (19), (21), and  
24 (22) of subdivision (a) of Section 89001 shall commence  
25 construction only upon resolution of the trustees, approved by the  
26 California Commission on Higher Education Performance and  
27 Accountability.

28 SEC. 44. Section 89011 of the Education Code is amended to  
29 read:

30 89011. (a) It is the intent of the Legislature that public  
31 programs of postsecondary education be made available to qualified  
32 persons throughout this state, including areas of substantial existing  
33 or projected population that are isolated from any campus of the  
34 California State University.

35 (b) The Trustees of the California State University shall consider  
36 the establishment of a permanent, state-supported off-campus  
37 center on state-owned property in Contra Costa County, the purpose  
38 of which shall be to continue to offer education programs at the  
39 upper division and graduate levels.

1 (c) Pursuant to the establishment of a permanent, state-supported  
2 off-campus center as provided by subdivision (b), the trustees shall  
3 contract for the preparation of a master plan for physical  
4 development, and a detailed survey of Contra Costa County, as  
5 follows:

6 (1) The master plan for the physical development of the center  
7 shall project major land uses, including open space, and the  
8 development of physical facilities, including those relating to  
9 lecture and laboratory use, and other instructional activities, site  
10 work, plant operations, and adjunct operations. The master plan  
11 shall be subject to the approval of the Trustees of the California  
12 State University.

13 (2) The detailed survey of Contra Costa County shall include,  
14 but not be limited to, official population projections, an industry  
15 and income profile, an analysis of specific education program  
16 requirements of potentially qualified students, an assessment of  
17 the need for educational services at the upper division and graduate  
18 levels, and an assessment of the services currently provided by  
19 other public and private institutions of postsecondary education,  
20 including the University of California and the California  
21 Community Colleges.

22 (d) The trustees shall review the results of the master plan and  
23 survey and shall forward the results to the California Commission  
24 on Higher Education Performance and Accountability for its review  
25 pursuant to Section 66904.

26 SEC. 45. Section 89070.35 of the Education Code is amended  
27 to read:

28 89070.35. (a) The intersegmental advisory committee shall  
29 consist of the following members:

30 (1) Two members, one of whom shall be a mathematics faculty  
31 member, appointed by each of the following:

32 (A) The Chancellor of the California State University.

33 (B) The President of the University of California, if he or she  
34 chooses to serve as a member.

35 (C) The Chancellor of the California Community Colleges.

36 (D) The Superintendent.

37 (2) One member appointed by each of the following:

38 (A) The Chair of the Association of Independent California  
39 Colleges and Universities.

1 (B) The Director of the California Commission on Higher  
2 Education Performance and Accountability.

3 (C) The Chair of the California Academic Partnership Program  
4 Advisory Committee.

5 (D) The Director of the California Mathematics Project.

6 (b) The intersegmental advisory committee may recommend  
7 that the trustees increase its size by the appointment of public,  
8 corporate, or other members.

9 SEC. 46. Section 89070.40 of the Education Code is amended  
10 to read:

11 89070.40. The Trustees of the California State University shall  
12 work with the University of California, the California Commission  
13 on Higher Education Performance and Accountability, and the  
14 advisory committee to develop a comprehensive program  
15 evaluation. This evaluation shall be conducted in 1993, and every  
16 three years thereafter to determine the success of the program.

17 SEC. 47. Section 89720 of the Education Code, as amended  
18 by Section 4 of Chapter 511 of the Statutes of 2014, is amended  
19 to read:

20 89720. (a) The trustees may accept on behalf of the state any  
21 gift, bequest, devise, or donation of real or personal property  
22 whenever the gift and the terms and conditions thereof will aid in  
23 carrying out the primary functions of the California State  
24 University as specified in subdivision (b) of Section 66010.4.  
25 Neither Section 11005 of the Government Code, nor any other law  
26 requiring approval by a state officer of gifts, bequests, devises, or  
27 donations, shall apply to these gifts, bequests, devises, or donations.  
28 These gifts, bequests, devises, or donations, and the disposition  
29 thereof, shall be annually reported to the California Commission  
30 on Higher Education Performance and Accountability, the Joint  
31 Legislative Budget Committee, and the Department of Finance by  
32 January 31 of each year.

33 (b) Notwithstanding Sections 11005.2 and 14664 of the  
34 Government Code or any other law to the contrary, the trustees  
35 may sell or exchange interests in real property received pursuant  
36 to this section when, in the judgment of the trustees, the sale or  
37 exchange is in the best interests of the California State University.  
38 No sale or exchange of an interest in real property made pursuant  
39 to this section shall exceed ten million dollars (\$10,000,000) per  
40 transaction.

1 (c) Notwithstanding Sections 11005 and 15853 of the  
2 Government Code or any other law to the contrary, the trustees  
3 may purchase interests in real property from moneys received  
4 pursuant to this section, including those moneys received from the  
5 sale or exchange of interests in real property pursuant to this  
6 section. Any such purchase shall be consistent with any restrictions  
7 placed upon the gift, bequest, devise, or donation and shall be in  
8 the best interests of the California State University, as determined  
9 by the trustees.

10 (d) No interest in any real property that is part of a main campus  
11 of any of the institutions of the California State University listed  
12 in Section 89001 shall be sold or exchanged pursuant to this  
13 section.

14 (e) Any sale or exchange of interests in real property carried  
15 out pursuant to this section shall be reported annually to the  
16 California Commission on Higher Education Performance and  
17 Accountability or a successor agency, the Joint Legislative Budget  
18 Committee, and the Department of Finance by January 31 of each  
19 year.

20 SEC. 48. Section 92605 of the Education Code is amended to  
21 read:

22 92605. (a) The regents are hereby requested to consider, as a  
23 component of the University of California's current systemwide  
24 medical education program assessment, the expansion of the  
25 Charles R. Drew/UCLA Undergraduate Medical Education  
26 Program.

27 (b) The regents are further requested to submit, not later than  
28 June 30, 2003, a report summarizing their findings regarding the  
29 Charles R. Drew/UCLA Undergraduate Medical Education  
30 Program to the Governor, the Legislature, and the California  
31 Commission on Higher Education Performance and Accountability.

32 SEC. 49. Section 94155 of the Education Code is amended to  
33 read:

34 94155. On or before March 31 in each year, the authority shall  
35 make an annual report of its activities for the preceding calendar  
36 year to the Governor and the Legislature. Each report shall set  
37 forth a complete operating and financial statement covering the  
38 authority's operations during the year. The authority shall cause  
39 an audit of its books and accounts to be made at least once in each  
40 year by certified public accountants. The authority shall also

1 consult with the California Commission on Higher Education  
2 Performance and Accountability and the Student Aid Commission  
3 with respect to the need for additional financing of student loan  
4 projects.

5 SEC. 50. Section 99151 of the Education Code is amended to  
6 read:

7 99151. (a) “Admissions data assembly service” means any  
8 summary or report of grades, grade point averages, standardized  
9 test scores, or any combination of grades and test scores, of a test  
10 subject used by any test score recipient.

11 (b) “Commission” means the California Commission on Higher  
12 Education Performance and Accountability.

13 (c) “Score reporting service” means the reporting of a test  
14 subject’s standardized score to a test score recipient by a test  
15 agency.

16 (d) “Secure test” means any test that contains items not available  
17 to the public and that, to allow the further use of test items and to  
18 protect the validity and reliability of the test, is subject to special  
19 security procedures in its publication, distribution, and  
20 administration.

21 (e) (1) “Standardized test” or “test” means any test administered  
22 in California at the expense of the test subject that is used for the  
23 purposes of admission to, or class placement in, postsecondary  
24 educational institutions or their programs, or any test used for  
25 preliminary preparation for those tests.

26 (2) “Standardized test” or “test” includes, but is not limited to,  
27 the Preliminary Scholastic Aptitude Test, the Scholastic Aptitude  
28 Test, the College Board Achievement Tests and Advanced  
29 Placement Tests, the ACT Assessment, the Graduate Record  
30 Examination, the Medical College Admission Test, the Law School  
31 Admission Test, the Dental Admission Testing Program, the  
32 Graduate Management Admission Test, and the Miller Analogies  
33 Test.

34 (3) A standardized test does not include a test, or part of a test,  
35 that has been in use for less than five years, or that is administered  
36 to a selected group of individuals principally for research, pretest,  
37 equating, guidance, counseling, or for purposes of meeting  
38 graduation requirements of secondary schools and postsecondary  
39 educational institutions.

1 (4) Tests that are administered as supplements or auxiliaries to  
2 another test, or that form a specialized component of a test, may  
3 be combined for purposes of this chapter.

4 (f) “Testing year” means the 12 calendar months that the test  
5 agency considers either its operational cycle or its fiscal year.

6 (g) “Test preparation course” means any curriculum, course of  
7 study, plan of instruction, or method of preparation given for a fee  
8 that is specifically designed or constructed to prepare or improve  
9 a test subject’s score on a standardized test.

10 (h) “Test program” means all of the administrations of a test of  
11 the same name during a testing year.

12 (i) “Test score” or “score” means the value given to the test  
13 subject’s performance on a standardized test, administered by the  
14 test agency, whether reported in numerical, percentile, or any other  
15 form.

16 (j) “Test score recipient” means any person, organization,  
17 association, corporation, postsecondary education institution, or  
18 governmental agency or subdivision to which the test subject  
19 requests or designates that a test agency report a test score.

20 (k) “Test sponsor” or “test agency” means an individual,  
21 partnership, corporation, association, company, firm, institution,  
22 society, trust, or joint stock company that develops, sponsors, or  
23 administers standardized tests.

24 (l) “Test subject” or “subject” means an individual who takes  
25 a standardized test.

26 SEC. 51. Section 99181 of the Education Code is amended to  
27 read:

28 99181. The University of California, the California State  
29 University, and the California Community Colleges shall each  
30 prepare a list of reports required to be submitted on a regular basis  
31 to the Legislature and to state agencies. The purpose of each report  
32 shall be identified, as well as the costs associated with production  
33 of the report. This information shall be submitted to the education  
34 policy and fiscal committees of the Legislature, the Department  
35 of Finance, and the California Commission on Higher Education  
36 Performance and Accountability. The California Commission on  
37 Higher Education Performance and Accountability shall review  
38 and comment on the utility of the required reports identified by  
39 the educational institutions, and offer recommendations for  
40 consolidating or eliminating existing reporting requirements in



1 order to reduce operating expenses and streamline reporting  
2 provisions.

3 SEC. 52. Section 99182 of the Education Code is amended to  
4 read:

5 99182. (a) On or before November 15 of each year, the  
6 California Commission on Higher Education Performance and  
7 Accountability shall submit a higher education report to the  
8 Legislature and the Governor that provides information to the  
9 citizens of the state on the significant indicators of performance  
10 of the public colleges and universities. This annual report shall be  
11 presented in a readable format. Prior to publication, the commission  
12 shall distribute a draft of the report to all public colleges and  
13 universities for comment.

14 (b) The commission, in cooperation with the public colleges  
15 and universities, shall develop and adopt a format for the higher  
16 education report specified in subdivision (a) and the information  
17 to be included. The following types of information shall be  
18 considered for inclusion in the report with respect to public  
19 universities:

20 (1) The retention rate of students.

21 (2) The proportion of lower division instructional courses taught  
22 by tenured and tenure-track faculty.

23 (3) The minimum number of hours per semester required to be  
24 spent by faculty in student advisement.

25 (4) The proportion of graduate and undergraduate students  
26 participating in sponsored research programs.

27 (5) Placement data on graduates.

28 (6) The proportional changes in the participation and graduation  
29 rates of students from groups historically underrepresented in  
30 higher education.

31 (7) The proportion of graduate students who received  
32 undergraduate degrees (A) at the institution, (B) within the state,  
33 (C) within the United States, and (D) from other nations.

34 (8) The number of full-time students who have transferred from  
35 a California community college.

36 (9) Demonstrable evidence of improvements in student  
37 knowledge, capacities, and skills between entrance and graduation,  
38 where this evidence exists.

39 (10) Results of surveys of students regarding student attitudes  
40 and experiences, where these surveys exist.

1 (c) The following types of information shall be considered for  
2 inclusion in the report with respect to public community colleges:

- 3 (1) The retention rate of students.
- 4 (2) The proportion of remedial or developmental education  
5 courses taught by full-time faculty.
- 6 (3) The number of hours per student per semester spent by  
7 faculty in student advisement.
- 8 (4) Placement data on graduates.
- 9 (5) The proportional change in the participation and graduation  
10 rate of students from groups historically underrepresented in higher  
11 education.
- 12 (6) The number of students who have transferred into a  
13 four-year, postsecondary educational institution, by ethnicity and  
14 gender.
- 15 (7) Demonstrable evidence of improvements in student  
16 knowledge, capacities, and skills between entrance and graduation,  
17 where this evidence exists.
- 18 (8) Results of surveys of students regarding student attitudes  
19 and experiences, where these surveys exist.

20 SEC. 53. Section 99202 of the Education Code is amended to  
21 read:

22 99202. (a) Within each subject matter project, a project  
23 advisory board shall be established to do all of the following:

- 24 (1) Set guidelines for project sites.
- 25 (2) Review and recommend site proposals for funding.
- 26 (3) Monitor project activities to ensure that they adequately  
27 reflect the priorities of the project and that projects comply with  
28 the requirements of this chapter.
- 29 (4) Perform other duties as determined by the Concurrence  
30 Committee rules and regulations adopted pursuant to subdivision  
31 (b) of Section 99200.

32 (b) The composition of each advisory board shall be as follows:

- 33 (1) One representative selected by the California Commission  
34 on Higher Education Performance and Accountability.
- 35 (2) Two representatives selected by the President of the  
36 University of California, one of whom is a member of the faculty  
37 in the discipline addressed by the project.
- 38 (3) Two representatives selected by the Chancellor of the  
39 California State University, one of whom is a member of the faculty  
40 in the discipline addressed by the project.

1 (4) Three representatives selected by the Superintendent, one  
2 of whom is a classroom teacher in the subject areas addressed by  
3 the project.

4 (5) Two representatives of the state board, one of whom is a  
5 classroom teacher in the subject areas addressed by the subject.

6 (6) One representative selected by the Governor.

7 (7) One representative selected by the Commission on Teacher  
8 Credentialing.

9 (8) One representative of the statewide professional organization  
10 of teachers in the subject matter addressed by the project, to be  
11 selected by the president of that organization. If there is more than  
12 one statewide professional organization of teachers in that subject  
13 area, the members of the advisory board may choose which  
14 organization shall select the representative and may choose to  
15 include a representative of one or more of the other organizations  
16 as nonvoting members of the advisory board.

17 (9) Two representatives of the California Community Colleges  
18 selected by the Chancellor of the California Community Colleges,  
19 one of whom is a faculty member in the subject matter area  
20 addressed by the project.

21 (10) Two representatives of an independent postsecondary  
22 educational institution selected by the Association of Independent  
23 California Colleges and Universities, one of whom is a member  
24 of the faculty in the discipline addressed by the project.

25 SEC. 54. Section 11126 of the Government Code is amended  
26 to read:

27 11126. (a) (1) This article does not prevent a state body from  
28 holding closed sessions during a regular or special meeting to  
29 consider the appointment, employment, evaluation of performance,  
30 or dismissal of a public employee or to hear complaints or charges  
31 brought against that employee by another person or employee  
32 unless the employee requests a public hearing.

33 (2) As a condition to holding a closed session on the complaints  
34 or charges to consider disciplinary action or to consider dismissal,  
35 the employee shall be given written notice of his or her right to  
36 have a public hearing, rather than a closed session, and that notice  
37 shall be delivered to the employee personally or by mail at least  
38 24 hours before the time for holding a regular or special meeting.  
39 If notice is not given, any disciplinary or other action taken against  
40 any employee at the closed session shall be null and void.

1 (3) The state body also may exclude from any public or closed  
2 session, during the examination of a witness, any or all other  
3 witnesses in the matter being investigated by the state body.

4 (4) Following the public hearing or closed session, the body  
5 may deliberate on the decision to be reached in a closed session.

6 (b) For purposes of this section, “employee” does not include  
7 any person who is elected to, or appointed to a public office by,  
8 any state body. However, officers of the California State University  
9 who receive compensation for their services, other than per diem  
10 and ordinary and necessary expenses, shall, when engaged in that  
11 capacity, be considered employees. Furthermore, for purposes of  
12 this section, the term employee includes a person exempt from  
13 civil service pursuant to subdivision (e) of Section 4 of Article VII  
14 of the California Constitution.

15 (c) Nothing in this article shall be construed to do any of the  
16 following:

17 (1) Prevent state bodies that administer the licensing of persons  
18 engaging in businesses or professions from holding closed sessions  
19 to prepare, approve, grade, or administer examinations.

20 (2) Prevent an advisory body of a state body that administers  
21 the licensing of persons engaged in businesses or professions from  
22 conducting a closed session to discuss matters that the advisory  
23 body has found would constitute an unwarranted invasion of the  
24 privacy of an individual licensee or applicant if discussed in an  
25 open meeting, provided the advisory body does not include a  
26 quorum of the members of the state body it advises. Those matters  
27 may include review of an applicant’s qualifications for licensure  
28 and an inquiry specifically related to the state body’s enforcement  
29 program concerning an individual licensee or applicant where the  
30 inquiry occurs prior to the filing of a civil, criminal, or  
31 administrative disciplinary action against the licensee or applicant  
32 by the state body.

33 (3) Prohibit a state body from holding a closed session to  
34 deliberate on a decision to be reached in a proceeding required to  
35 be conducted pursuant to Chapter 5 (commencing with Section  
36 11500) or similar provisions of law.

37 (4) Grant a right to enter any correctional institution or the  
38 grounds of a correctional institution where that right is not  
39 otherwise granted by law, nor shall anything in this article be  
40 construed to prevent a state body from holding a closed session

1 when considering and acting upon the determination of a term,  
2 parole, or release of any individual or other disposition of an  
3 individual case, or if public disclosure of the subjects under  
4 discussion or consideration is expressly prohibited by statute.

5 (5) Prevent any closed session to consider the conferring of  
6 honorary degrees, or gifts, donations, and bequests that the donor  
7 or proposed donor has requested in writing to be kept confidential.

8 (6) Prevent the Alcoholic Beverage Control Appeals Board from  
9 holding a closed session for the purpose of holding a deliberative  
10 conference as provided in Section 11125.

11 (7) (A) Prevent a state body from holding closed sessions with  
12 its negotiator prior to the purchase, sale, exchange, or lease of real  
13 property by or for the state body to give instructions to its  
14 negotiator regarding the price and terms of payment for the  
15 purchase, sale, exchange, or lease.

16 (B) However, prior to the closed session, the state body shall  
17 hold an open and public session in which it identifies the real  
18 property or real properties that the negotiations may concern and  
19 the person or persons with whom its negotiator may negotiate.

20 (C) For purposes of this paragraph, the negotiator may be a  
21 member of the state body.

22 (D) For purposes of this paragraph, “lease” includes renewal or  
23 renegotiation of a lease.

24 (E) Nothing in this paragraph shall preclude a state body from  
25 holding a closed session for discussions regarding eminent domain  
26 proceedings pursuant to subdivision (e).

27 (8) Prevent the California Commission on Higher Education  
28 Performance and Accountability from holding closed sessions to  
29 consider matters pertaining to the appointment or termination of  
30 the Director of the California Commission on Higher Education  
31 Performance and Accountability.

32 (9) Prevent the Council for Private Postsecondary and  
33 Vocational Education from holding closed sessions to consider  
34 matters pertaining to the appointment or termination of the  
35 Executive Director of the Council for Private Postsecondary and  
36 Vocational Education.

37 (10) Prevent the Franchise Tax Board from holding closed  
38 sessions for the purpose of discussion of confidential tax returns  
39 or information the public disclosure of which is prohibited by law,

1 or from considering matters pertaining to the appointment or  
2 removal of the Executive Officer of the Franchise Tax Board.

3 (11) Require the Franchise Tax Board to notice or disclose any  
4 confidential tax information considered in closed sessions, or  
5 documents executed in connection therewith, the public disclosure  
6 of which is prohibited pursuant to Article 2 (commencing with  
7 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the  
8 Revenue and Taxation Code.

9 (12) Prevent the Corrections Standards Authority from holding  
10 closed sessions when considering reports of crime conditions under  
11 Section 6027 of the Penal Code.

12 (13) Prevent the State Air Resources Board from holding closed  
13 sessions when considering the proprietary specifications and  
14 performance data of manufacturers.

15 (14) Prevent the State Board of Education or the Superintendent  
16 of Public Instruction, or any committee advising the board or the  
17 Superintendent, from holding closed sessions on those portions of  
18 its review of assessment instruments pursuant to Chapter 5  
19 (commencing with Section 60600) of, or pursuant to Chapter 9  
20 (commencing with Section 60850) of, Part 33 of Division 4 of  
21 Title 2 of the Education Code during which actual test content is  
22 reviewed and discussed. The purpose of this provision is to  
23 maintain the confidentiality of the assessments under review.

24 (15) Prevent the California Integrated Waste Management Board  
25 or its auxiliary committees from holding closed sessions for the  
26 purpose of discussing confidential tax returns, discussing trade  
27 secrets or confidential or proprietary information in its possession,  
28 or discussing other data, the public disclosure of which is  
29 prohibited by law.

30 (16) Prevent a state body that invests retirement, pension, or  
31 endowment funds from holding closed sessions when considering  
32 investment decisions. For purposes of consideration of shareholder  
33 voting on corporate stocks held by the state body, closed sessions  
34 for the purposes of voting may be held only with respect to election  
35 of corporate directors, election of independent auditors, and other  
36 financial issues that could have a material effect on the net income  
37 of the corporation. For the purpose of real property investment  
38 decisions that may be considered in a closed session pursuant to  
39 this paragraph, a state body shall also be exempt from the

1 provisions of paragraph (7) relating to the identification of real  
2 properties prior to the closed session.

3 (17) Prevent a state body, or boards, commissions,  
4 administrative officers, or other representatives that may properly  
5 be designated by law or by a state body, from holding closed  
6 sessions with its representatives in discharging its responsibilities  
7 under Chapter 10 (commencing with Section 3500), Chapter 10.3  
8 (commencing with Section 3512), Chapter 10.5 (commencing with  
9 Section 3525), or Chapter 10.7 (commencing with Section 3540)  
10 of Division 4 of Title 1 as the sessions relate to salaries, salary  
11 schedules, or compensation paid in the form of fringe benefits.  
12 For the purposes enumerated in the preceding sentence, a state  
13 body may also meet with a state conciliator who has intervened  
14 in the proceedings.

15 (18) (A) Prevent a state body from holding closed sessions to  
16 consider matters posing a threat or potential threat of criminal or  
17 terrorist activity against the personnel, property, buildings,  
18 facilities, or equipment, including electronic data, owned, leased,  
19 or controlled by the state body, where disclosure of these  
20 considerations could compromise or impede the safety or security  
21 of the personnel, property, buildings, facilities, or equipment,  
22 including electronic data, owned, leased, or controlled by the state  
23 body.

24 (B) Notwithstanding any other law, a state body, at any regular  
25 or special meeting, may meet in a closed session pursuant to  
26 subparagraph (A) upon a two-thirds vote of the members present  
27 at the meeting.

28 (C) After meeting in closed session pursuant to subparagraph  
29 (A), the state body shall reconvene in open session prior to  
30 adjournment and report that a closed session was held pursuant to  
31 subparagraph (A), the general nature of the matters considered,  
32 and whether any action was taken in closed session.

33 (D) After meeting in closed session pursuant to subparagraph  
34 (A), the state body shall submit to the Legislative Analyst written  
35 notification stating that it held this closed session, the general  
36 reason or reasons for the closed session, the general nature of the  
37 matters considered, and whether any action was taken in closed  
38 session. The Legislative Analyst shall retain for no less than four  
39 years any written notification received from a state body pursuant  
40 to this subparagraph.

1 (d) (1) Notwithstanding any other law, any meeting of the  
2 Public Utilities Commission at which the rates of entities under  
3 the commission's jurisdiction are changed shall be open and public.

4 (2) Nothing in this article shall be construed to prevent the  
5 Public Utilities Commission from holding closed sessions to  
6 deliberate on the institution of proceedings, or disciplinary actions  
7 against any person or entity under the jurisdiction of the  
8 commission.

9 (e) (1) Nothing in this article shall be construed to prevent a  
10 state body, based on the advice of its legal counsel, from holding  
11 a closed session to confer with, or receive advice from, its legal  
12 counsel regarding pending litigation when discussion in open  
13 session concerning those matters would prejudice the position of  
14 the state body in the litigation.

15 (2) For purposes of this article, all expressions of the  
16 lawyer-client privilege other than those provided in this subdivision  
17 are hereby abrogated. This subdivision is the exclusive expression  
18 of the lawyer-client privilege for purposes of conducting closed  
19 session meetings pursuant to this article. For purposes of this  
20 subdivision, litigation shall be considered pending when any of  
21 the following circumstances exist:

22 (A) An adjudicatory proceeding before a court, an administrative  
23 body exercising its adjudicatory authority, a hearing officer, or an  
24 arbitrator, to which the state body is a party, has been initiated  
25 formally.

26 (B) (i) A point has been reached where, in the opinion of the  
27 state body on the advice of its legal counsel, based on existing  
28 facts and circumstances, there is a significant exposure to litigation  
29 against the state body.

30 (ii) Based on existing facts and circumstances, the state body  
31 is meeting only to decide whether a closed session is authorized  
32 pursuant to clause (i).

33 (C) (i) Based on existing facts and circumstances, the state  
34 body has decided to initiate or is deciding whether to initiate  
35 litigation.

36 (ii) The legal counsel of the state body shall prepare and submit  
37 to ~~it~~ *the state body* a memorandum stating the specific reasons and  
38 legal authority for the closed session. If the closed session is  
39 pursuant to paragraph (1), the memorandum shall include the title  
40 of the litigation. If the closed session is pursuant to subparagraph



1 (A) or (B), the memorandum shall include the existing facts and  
2 circumstances on which it is based. The legal counsel shall submit  
3 the memorandum to the state body prior to the closed session, if  
4 feasible, and in any case no later than one week after the closed  
5 session. The memorandum shall be exempt from disclosure  
6 pursuant to Section 6254.25.

7 (iii) For purposes of this subdivision, “litigation” includes any  
8 adjudicatory proceeding, including eminent domain, before a court,  
9 administrative body exercising its adjudicatory authority, hearing  
10 officer, or arbitrator.

11 (iv) Disclosure of a memorandum required under this  
12 subdivision shall not be deemed as a waiver of the lawyer-client  
13 privilege, as provided for under Article 3 (commencing with  
14 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

15 (f) In addition to subdivisions (a), (b), and (c), nothing in this  
16 article shall be construed to do any of the following:

17 (1) Prevent a state body operating under a joint powers  
18 agreement for insurance pooling from holding a closed session to  
19 discuss a claim for the payment of tort liability or public liability  
20 losses incurred by the state body or any member agency under the  
21 joint powers agreement.

22 (2) Prevent the examining committee established by the State  
23 Board of Forestry and Fire Protection, pursuant to Section 763 of  
24 the Public Resources Code, from conducting a closed session to  
25 consider disciplinary action against an individual professional  
26 forester prior to the filing of an accusation against the forester  
27 pursuant to Section 11503.

28 (3) Prevent an advisory committee established by the California  
29 Board of Accountancy pursuant to Section 5020 of the Business  
30 and Professions Code from conducting a closed session to consider  
31 disciplinary action against an individual accountant prior to the  
32 filing of an accusation against the accountant pursuant to Section  
33 11503. Nothing in this article shall be construed to prevent an  
34 examining committee established by the California Board of  
35 Accountancy pursuant to Section 5023 of the Business and  
36 Professions Code from conducting a closed hearing to interview  
37 an individual applicant or accountant regarding the applicant’s  
38 qualifications.

39 (4) Prevent a state body, as defined in subdivision (b) of Section  
40 11121, from conducting a closed session to consider any matter

1 that properly could be considered in closed session by the state  
2 body whose authority it exercises.

3 (5) Prevent a state body, as defined in subdivision (d) of Section  
4 11121, from conducting a closed session to consider any matter  
5 that properly could be considered in a closed session by the body  
6 defined as a state body pursuant to subdivision (a) or (b) of Section  
7 11121.

8 (6) Prevent a state body, as defined in subdivision (c) of Section  
9 11121, from conducting a closed session to consider any matter  
10 that properly could be considered in a closed session by the state  
11 body it advises.

12 (7) Prevent the State Board of Equalization from holding closed  
13 sessions for either of the following:

14 (A) When considering matters pertaining to the appointment or  
15 removal of the Executive Secretary of the State Board of  
16 Equalization.

17 (B) For the purpose of hearing confidential taxpayer appeals or  
18 data, the public disclosure of which is prohibited by law.

19 (8) Require the State Board of Equalization to disclose any  
20 action taken in closed session or documents executed in connection  
21 with that action, the public disclosure of which is prohibited by  
22 law pursuant to Sections 15619 and 15641 of this code and Sections  
23 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,  
24 45982, 46751, 50159, 55381, and 60609 of the Revenue and  
25 Taxation Code.

26 (9) Prevent the California Earthquake Prediction Evaluation  
27 Council, or other body appointed to advise the Director of the  
28 Office of Emergency Services or the Governor concerning matters  
29 relating to volcanic or earthquake predictions, from holding closed  
30 sessions when considering the evaluation of possible predictions.

31 (g) This article does not prevent either of the following:

32 (1) The Teachers' Retirement Board or the Board of  
33 Administration of the Public Employees' Retirement System from  
34 holding closed sessions when considering matters pertaining to  
35 the recruitment, appointment, employment, or removal of the chief  
36 executive officer or when considering matters pertaining to the  
37 recruitment or removal of the Chief Investment Officer of the State  
38 Teachers' Retirement System or the Public Employees' Retirement  
39 System.

1 (2) The Commission on Teacher Credentialing from holding  
2 closed sessions when considering matters relating to the  
3 recruitment, appointment, or removal of its executive director.

4 (h) This article does not prevent the Board of Administration  
5 of the Public Employees' Retirement System from holding closed  
6 sessions when considering matters relating to the development of  
7 rates and competitive strategy for plans offered pursuant to Chapter  
8 15 (commencing with Section 21660) of Part 3 of Division 5.

9 (i) This article does not prevent the Managed Risk Medical  
10 Insurance Board from holding closed sessions when considering  
11 matters related to the development of rates and contracting strategy  
12 for entities contracting or seeking to contract with the board  
13 pursuant to Part 6.2 (commencing with Section 12693), Part 6.3  
14 (commencing with Section 12695), Part 6.4 (commencing with  
15 Section 12699.50), or Part 6.5 (commencing with Section 12700)  
16 of Division 2 of the Insurance Code.

17 (j) This article does not prevent the board of the State  
18 Compensation Insurance Fund from holding closed sessions in the  
19 following *circumstances*:

20 (1) When considering matters related to claims pursuant to  
21 Chapter 1 (commencing with Section 3200) of Part 1 of Division  
22 4 of the Labor Code, to the extent that confidential medical  
23 information or other individually identifiable information would  
24 be disclosed.

25 (2) To the extent that matters related to audits and investigations  
26 that have not been completed would be disclosed.

27 (3) To the extent that an internal audit containing proprietary  
28 information would be disclosed.

29 (4) To the extent that the session would address the development  
30 of rates, contracting strategy, underwriting, or competitive strategy,  
31 pursuant to the powers granted to the board in Chapter 4  
32 (commencing with Section 11770) of Part 3 of Division 2 of the  
33 Insurance Code, when discussion in open session concerning those  
34 matters would prejudice the position of the State Compensation  
35 Insurance Fund.

36 (k) The State Compensation Insurance Fund shall comply with  
37 the procedures specified in Section 11125.4 with respect to any  
38 closed session or meeting authorized by subdivision (j), and in  
39 addition shall provide an opportunity for a member of the public

1 to be heard on the issue of the appropriateness of closing the  
2 meeting or session.

3 SEC. 55. Section 127785 of the Health and Safety Code is  
4 repealed.

5 SEC. 56. Section 128030 of the Health and Safety Code is  
6 amended to read:

7 128030. The office, in cooperation with the California  
8 Commission on Higher Education Performance and Accountability,  
9 shall administer the program established pursuant to this article  
10 and shall for this purpose, adopt regulations as it determines are  
11 reasonably necessary to carry out this article.

12 SEC. 57. Section 24357.8 of the Revenue and Taxation Code  
13 is amended to read:

14 24357.8. (a) In the case of a qualified research contribution,  
15 the amount otherwise allowed as a deduction under Section 24357,  
16 shall be reduced by that amount of the reduction provided by  
17 Section 24357.1 that is no greater than the sum of the following:

18 (1) One-half of the amount computed pursuant to Section  
19 24357.1 (computed without regard to this paragraph).

20 (2) The amount, if any, by which the charitable contribution  
21 deduction under this section for any qualified research contribution  
22 (computed by taking into account the amount determined by  
23 paragraph (1), but without regard to this paragraph) exceeds twice  
24 the basis of the property.

25 (b) For purposes of this section, “qualified research contribution”  
26 means a charitable contribution by a taxpayer of tangible personal  
27 property described in paragraph (1) of Section 1221 of the Internal  
28 Revenue Code, but only if all of the following conditions are met:

29 (1) The contribution is to an educational organization that is  
30 described in subsection (b)(1)(A)(ii) of Section 170 of the Internal  
31 Revenue Code and that is an institution of higher education, as  
32 defined in Section 3304(f) of the Internal Revenue Code of 1954,  
33 in California.

34 (2) The contribution is made not later than two years after the  
35 date the construction of the property is substantially completed.

36 (3) The original use of the property is by the donee.

37 (4) The property is scientific equipment or apparatus  
38 substantially all of the use of which by the donee is for research  
39 or experimentation, within the meaning of Section 24365, or for

1 research training, in physical, applied, or biological sciences, or  
2 for instructional purposes.

3 (5) The property is not transferred by the donee in exchange for  
4 money, other property, or services.

5 (6) The taxpayer receives from the donee a written statement  
6 representing that its use and disposition of the property will be in  
7 accordance with this section, and with respect to property  
8 substantially all of the use of which is for instructional purposes,  
9 the taxpayer receives from the donee a written statement  
10 representing that the property will be used as an integral part of  
11 the instructional program. In the case of a computer, the statement  
12 shall also represent that the donee has acquired or will acquire,  
13 necessary basic operational software and the means to provide  
14 trained staff to utilize the property.

15 (7) The contribution is made on or after July 1, 1983, and on or  
16 before December 31, 1993.

17 (8) The taxpayer shall report to the Franchise Tax Board, on  
18 forms prescribed by the board, the name and address of the  
19 recipient educational organization, a description of the qualified  
20 charitable contribution, the fair market value of the contribution,  
21 and the date the contribution was made. The taxpayer shall forward  
22 a copy of the forms, along with the written statements prescribed  
23 in paragraph (6), to the following:

24 (A) The President of the University of California, in the case  
25 of contributions to institutions within the University of California  
26 system.

27 (B) The California Commission on Higher Education  
28 Performance and Accountability, in the case of contributions to  
29 private institutions.

30 (C) The Chancellor of the California State University, in the  
31 case of contributions to institutions within the California State  
32 University system.

33 (D) The Chancellor of the California Community Colleges, in  
34 the case of contributions to institutions within the California  
35 Community College system.

36 (c) For purposes of this section, the term “taxpayer” shall not  
37 include a service organization, as defined in Section 414(m)(3) of  
38 the Internal Revenue Code.

39 SEC. 58. Section 10529 of the Unemployment Insurance Code  
40 is amended to read:

1 10529. (a) The services provided by the existing labor market  
2 information system within the department shall include workforce  
3 and economic information that does all of the following:

4 (1) Provides data and information to the state Workforce  
5 Investment Board created pursuant to Section 2821 of Title 29 of  
6 the United States Code, to enable the board to plan, operate, and  
7 evaluate investments in the state's workforce preparation system  
8 that will make the California economy more productive and  
9 competitive.

10 (2) Provides data and information for continuous strategic  
11 planning and the development of policies for the growth and  
12 competitiveness of the California economy.

13 (3) Identifies and combines information from various state  
14 databases to produce useful, geographically based analysis and  
15 products, to the extent possible using existing resources.

16 (4) Provides technical assistance related to accessing workforce  
17 and economic information to local governments, public-sector  
18 entities, research institutes, nonprofit organizations, and community  
19 groups that have various levels of expertise, to the extent possible  
20 using existing resources.

21 (b) The department shall coordinate with the State Department  
22 of Education, the Chancellor of the California Community  
23 Colleges, the State Department of Social Services, the California  
24 Commission on Higher Education Performance and Accountability,  
25 the Department of Finance, and the Franchise Tax Board in  
26 developing economic and workforce information. The department  
27 shall also solicit input in the operation of the program from public  
28 and private agencies and individuals that make use of the labor  
29 market information provided by the department.

30 SEC. 59. Section 4341.5 of the Welfare and Institutions Code  
31 is amended to read:

32 4341.5. In order to ensure *that there will be* an adequate number  
33 of qualified psychiatrists and psychologists with forensic skills,  
34 the State Department of State Hospitals shall, to the extent  
35 resources are available, plan with the University of California,  
36 private universities, and the California Commission on Higher  
37 Education Performance and Accountability for the development  
38 of programs for the training of psychiatrists and psychologists with  
39 forensic skills, and recommend appropriate incentive measures,  
40 such as state scholarships.

1 SEC. 60. Section 4421 of the Welfare and Institutions Code is  
2 amended to read:

3 4421. In order to ~~assure~~ *ensure that there will be* an adequate  
4 number of qualified psychiatrists and psychologists with forensic  
5 skills, the State Department of Developmental Services shall plan  
6 with the University of California, private universities, and the  
7 California Commission on Higher Education Performance and  
8 Accountability for the development of programs for the training  
9 of psychiatrists and psychologists with forensic skills.

O