

Introduced by Senator Liu

February 21, 2012

An act to amend Section 66903 of, to add Section 66027.8 to, and to add and repeal Sections 33317.3 and 66903.5 of, the Education Code, relating to educational data.

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, as introduced, Liu. Educational data: State Department of Education: California Postsecondary Education Commission.

(1) Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, to execute laws and policies relating to the public elementary and secondary schools of the state. Numerous statutes require the department to receive and maintain various forms of data.

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. Among other things, CPEC is required to act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies. CPEC is further required to develop and maintain a comprehensive database that meets specified requirements relating to, among other things, compatibility with other databases and sources, accessibility, and protection of student privacy.

This bill would require, on and after January 1, 2013, that the State Department of Education, in coordination with the State Board of Education, succeed to the data management responsibilities of CPEC with respect to the comprehensive database referenced above, as specified.

These provisions would make these provisions inoperative on July 1, 2013, and would repeal them as of January 1, 2014.

(2) Existing law, known as the Donahoe Higher Education Act, sets forth the missions and functions of the segments of public postsecondary education in the state. The California State University, which is governed by the Trustees of the California State University (trustees), and the University of California, which is governed by the Regents of the University of California (regents), are 2 of the segments of public postsecondary education. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act by resolution to make them applicable.

Under existing law, the California State University and the University of California are authorized to charge fees to students attending their respective institutions.

The bill, commencing with the 2012–13 academic year, would require the trustees and the regents to provide reports on expenditures and financial aid to the Legislature, and the Legislative Analyst’s Office to annually review and report to the Legislature its findings, conclusions, or recommendations regarding the implementation of policies implemented pursuant to the bill.

Because the provisions of the bill would be added to the Donahoe Higher Education Act, they would apply to the University of California only to the extent that the regents act by resolution to make them applicable.

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 33317.3 is added to the Education Code,
2 to read:
3 33317.3. (a) Notwithstanding any other law:
4 (1) On and after January 1, 2013, the department, in coordination
5 with the state board, shall succeed to the data management
6 responsibilities granted to the California Postsecondary Education
7 Commission pursuant to subdivision (m) of Section 66903. The
8 department may disclose, or dispose of, data it receives or
9 maintains under this section only as specifically authorized to do
10 so in subdivision (m) of Section 66903.

(2) Notwithstanding Section 66902, the department shall have power to require the governing boards and the institutions of public postsecondary education to submit data on plans and programs, costs, selection and retention of students, enrollments, plant capacities, and other matters pertinent to effective planning, policy development, and articulation and coordination, and shall furnish information concerning these matters to the Governor and to the Legislature as requested by them.

(3) For the purpose of implementing this section, the department shall enter into an interagency agreement with the California Community College Chancellor's Office to administer the comprehensive database described in Section 66903.

(b) This section shall become operative on July 1, 2013, and as of January 1, 2014, is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 2. Section 66027.8 is added to the Education Code, to read:

66027.8. (a) Notwithstanding Section 10231.5 of the Government Code, commencing with the 2012–13 academic year, the regents and the trustees shall annually provide the Legislature, by February 1 of each year, with detailed information regarding expenditures of revenues derived from student fees and uses of institutional financial aid, and shall provide information regarding the total cost of education per student, categorized specifically by undergraduate and graduate education costs, including fixed costs, variable costs, administrative costs, instructional costs, and student services costs. For purposes of meeting the requirements of this section, the regents and the trustees may include this information in their respective annual report on institutional financial aid pursuant to Section 66021.1.

(b) Notwithstanding Section 10231.5 of the Government Code, commencing with the 2012–13 academic year, the Legislative Analyst's Office shall annually review, by March 1 of each year, institutional compliance with the policies set forth in this article, and report, in writing, to the Legislature its findings, conclusions, or recommendations regarding the implementation of these policies. This report shall include an assessment of the information provided by the regents and the trustees pursuant to subdivision (a).

(c) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. Section 66903 of the Education Code is amended to read:

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

(a) It shall require the governing boards of the segments of public postsecondary education to develop and submit to the commission institutional and systemwide long-range plans in a form determined by the commission after consultation with the segments.

(b) It shall prepare a state plan for postsecondary education that shall integrate the planning efforts of the public segments with other pertinent plans. The commission shall seek to resolve conflicts or inconsistencies among segmental plans in consultation with the segments. If these consultations are unsuccessful, the commission shall report the unresolved issues to the Legislature with recommendations for resolution. In developing the plan, the commission shall consider at least the following factors:

(1) The need for, and location of, new facilities.

(2) The range and kinds of programs appropriate to each institution or system.

(3) The budgetary priorities of the institutions and systems of postsecondary education.

(4) The impact of various types and levels of student charges on students and on postsecondary education programs and institutions.

(5) The appropriate levels of state-funded student financial aid.

(6) The access and admission of students to postsecondary education.

(7) The educational programs and resources of independent and private postsecondary institutions.

(8) The provisions of this division differentiating the functions of the public systems of higher education.

(c) It shall update the plan periodically, as appropriate.

(d) It shall participate in appropriate stages of the executive and the legislative budget processes as requested by the executive and the legislative branches, and shall advise the executive and the legislative branches as to whether segmental programmatic

1 budgetary requests are compatible with the state plan. It is not
2 intended that the commission hold independent budget hearings.

3 (e) It shall advise the Legislature and the Governor regarding
4 the need for, and location of, new institutions and campuses of
5 public higher education.

6 (f) It shall review proposals by the public segments for new
7 programs, the priorities that guide them, and the degree of
8 coordination with nearby public, independent, and private
9 postsecondary educational institutions, and shall make
10 recommendations regarding those proposals to the Legislature and
11 the Governor. *In the event that the commission is unable to perform*
12 *its responsibilities under this subdivision, it is the intent of the*
13 *Legislature that the public postsecondary segments refrain from*
14 *implementing new programs until the commission or a successor*
15 *entity is able to perform the review required by this subdivision.*

16 (g) In consultation with the public segments, it shall establish
17 a schedule for segmental review of selected educational programs,
18 evaluate the program approval, review, and disestablishment
19 processes of the segments, and report its findings and
20 recommendations to the Legislature and the Governor.

21 (h) It shall serve as a stimulus to the segments and institutions
22 of postsecondary education by projecting and identifying societal
23 and educational needs and encouraging adaptability to change.

24 (i) It shall periodically collect or conduct, or both collect and
25 conduct, studies of projected manpower supply and demand, in
26 cooperation with appropriate state agencies, and disseminate the
27 results of those studies to institutions of postsecondary education
28 and to the public in order to improve the information base upon
29 which student choices are made.

30 (j) It shall periodically review and make recommendations
31 concerning the need for, and availability of, postsecondary
32 programs for adult and continuing education.

33 (k) It shall develop criteria for evaluating the effectiveness of
34 all aspects of postsecondary education.

35 (l) It shall maintain and update annually an inventory of all
36 off-campus programs and facilities for education, research, and
37 community services operated by public and independent institutions
38 of postsecondary education.

39 (m) (1) It shall act as a clearinghouse for postsecondary
40 education information and as a primary source of information for

1 the Legislature, the Governor, and other agencies. It shall develop
2 and maintain a comprehensive ~~data base~~ *database* that does all of
3 the following:

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

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

9 (C) Is compatible with the California School Information System
10 and the student information systems developed and maintained by
11 the public segments of higher education, as 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 the purposes of the ~~data base~~
16 *database*, in order to support, most efficiently and effectively,
17 statewide, segmental, and individual campus educational research
18 information needs.

19 (F) *Provides access to data that may include personally*
20 *identifiable information to state policy analysts and independent*
21 *researchers for public policy research and evaluation purposes,*
22 *with appropriate privacy protections consistent with paragraph*
23 *(2).*

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

28 (3) The commission ~~may~~ *shall* not make available any personally
29 identifiable information received from a postsecondary educational
30 institution concerning students for any regulatory purpose unless
31 the institution has authorized the commission to provide that
32 information on behalf of the institution.

33 (4) The commission shall provide 30-day notification to the
34 chairpersons of the appropriate ~~legislative~~ policy and budget
35 committees of the Legislature, to the Director of Finance, and to
36 the Governor prior to making any significant changes to the student
37 information contained in the ~~data base~~ *database*.

38 (n) It shall establish criteria for state support of new and existing
39 programs, in consultation with the public segments, the Department
40 of Finance, and the Joint Legislative Budget Committee.

1 (o) It shall comply with the appropriate provisions of the federal
2 Education Amendments of 1972 ~~(P.L.~~ (*Public Law* 92-318), as
3 specified in Section 67000.

4 (p) It shall consider the relationship among academic education
5 and vocational education and job training programs, and shall
6 actively consult with representatives of public and private
7 education.

8 (q) It shall review all proposals for changes in eligibility pools
9 for admission to public institutions and segments of postsecondary
10 education, and shall make recommendations to the Legislature,
11 the Governor, and institutions of postsecondary education. In
12 carrying out this subdivision, the commission periodically shall
13 conduct a study of the percentages of California public high school
14 graduates estimated to be eligible for admission to the University
15 of California and the California State University. The changes
16 made to this subdivision during the 2001–02 Regular Session of
17 the Legislature shall be implemented only during those fiscal years
18 for which funding is provided for the purposes of those provisions
19 in the annual Budget Act or in another measure.

20 (r) It shall report periodically to the Legislature and the Governor
21 regarding the financial conditions of independent institutions, their
22 enrollment and application figures, the number of student spaces
23 available, and the respective cost of utilizing those spaces as
24 compared to providing additional public spaces. The reports shall
25 include recommendations concerning state policies and programs
26 having a significant impact on independent institutions.

27 (s) Upon request of the Legislature or the Governor, it shall
28 submit to the Legislature and the Governor a report on all matters
29 so requested that are compatible with its role as the statewide
30 postsecondary education planning and coordinating agency. Upon
31 request of individual Members of the Legislature or personnel in
32 the executive branch, the commission shall submit information or
33 a report on any matter to the extent that sufficient resources are
34 available. From time to time, it also may submit to the Legislature
35 and the Governor a report that contains recommendations as to
36 necessary or desirable changes, if any, in the functions, policies,
37 and programs of the several segments of public, independent, and
38 private postsecondary education.

39 (t) In consultation with the public segments, it shall consider
40 the development of facilities to be used by more than one segment

1 of public higher education, commonly called “joint-use facilities.”
2 It shall recommend to the Legislature criteria and processes for
3 different segments to utilize bond funds for these intersegmental,
4 joint-use facilities.

5 (u) It may undertake other functions and responsibilities that
6 are compatible with its role as the statewide postsecondary
7 education planning and coordinating agency.

8 SEC. 4. Section 66903.5 is added to the Education Code, to
9 read:

10 66903.5. (a) Notwithstanding any other law:

11 (1) On and after January 1, 2013, the State Department of
12 Education, in coordination with the State Board of Education, shall
13 succeed to the data management responsibilities granted to the
14 commission pursuant to subdivision (m) of Section 66903. The
15 State Department of Education may disclose, or dispose of, data
16 it receives or maintains under this section only as specifically
17 authorized to do so in subdivision (m) of Section 66903.

18 (2) Notwithstanding Section 66902, the department shall have
19 power to require the governing boards and the institutions of public
20 postsecondary education to submit data on plans and programs,
21 costs, selection and retention of students, enrollments, plant
22 capacities, and other matters pertinent to effective planning, policy
23 development, and articulation and coordination, and shall furnish
24 information concerning these matters to the Governor and to the
25 Legislature as requested by them.

26 (b) This section shall become inoperative on July 1, 2013, and
27 as of January 1, 2014, is repealed, unless a later enacted statute,
28 that is enacted before January 1, 2014, deletes or extends that date.