AMENDED IN SENATE JUNE 3, 2019
AMENDED IN ASSEMBLY MARCH 14, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 130

Introduced by Assembly Members Low and Eggman

December 4, 2018

An act to add Article 2.3 (commencing with Section 66010.8) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in this state.

Existing law states the intent of the Legislature that budget and policy decisions regarding postsecondary education generally adhere to 3 specified goals and that appropriate metrics be identified, defined, and formally adopted to monitor progress toward the achievement of the goals.

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. The annual state Budget Acts from the 2011–12 fiscal year to the 2018–19 fiscal year, inclusive, have provided no funding for CPEC.

This bill would establish the Higher Education Performance and Accountability Commission, composed of 5 public members with experience in postsecondary education, appointed as specified, as the statewide postsecondary education oversight, coordination, and planning entity. The bill would require the commission to develop an independent annual report on the condition of higher education in California, as provided. The bill would establish other functions and responsibilities of the commission, which would include specified advisory duties and acting as a clearinghouse for postsecondary education information.

The bill would authorize the commission to require the governing boards and institutions of public postsecondary education to submit data to the commission 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. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

The bill would require the commission to report to the Legislature and the Governor on or before December 31 of each year regarding its progress in achieving specified objectives and responsibilities. The bill would require the Legislative Analyst’s Office to report to the Legislature on the performance of the commission on or before January 1, 2025, and every 5 years thereafter.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Article 2.3 (commencing with Section 66010.8) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 2.3. Higher Education Performance and Accountability Commission

66010.8. (a) (1) The Higher Education Performance and Accountability Commission is hereby established as the statewide postsecondary education coordination oversight, coordination, and planning agency. The commission is an independent state agency, which shall be advisory to the Governor, the Legislature, other appropriate government officials, and institutions of postsecondary education.

(2) For purposes of this article, “commission” means the Higher Education Performance and Accountability Commission.

(b) (1) The commission shall be composed of six public members with experience in postsecondary education, five members, appointed as follows:

(A) One member appointed by the Senate Committee on Rules.

(B) One member appointed by the Speaker of the Assembly.

(C) Three members appointed by the Governor.

(2) A member of the commission shall serve a term of four years, and may be removed by the appointing authority only for cause.

(3) (A) Each member appointed pursuant to paragraph (1) shall be a member of the public with relevant experience in postsecondary education.

(B) It is the intent of the Legislature that the members of the commission be reflective of the geographic, economic, and racial diversity of California.

(4) (A) Except as provided in subparagraph (B), a person who is employed by any public or private postsecondary educational institution shall not be appointed to serve on the commission.

(B) A person who has part-time teaching duties at a public or private postsecondary educational institution that do not exceed
six hours per week may be appointed to serve on the commission if the person is not a permanent, full-time employee of the institution.

(3) The members of the commission shall select a chairperson from among the membership.

(4) Members of the commission shall serve without compensation, but shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties.

(c) The commission shall appoint an executive director, who shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the commission, including contracting for professional or consulting services in connection with the work of the commission. The executive director shall appoint persons to any staff positions the commission may authorize.

(d) (1) Commission meetings are subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). Commission materials shall be posted on the internet.

(2) The commission shall meet at least quarterly, and shall appoint one of its members to represent the board commission for purposes of communicating with the Legislature.

(3) (A) The commission is responsible for developing an independent annual report on the condition of higher education in California. The report shall be transmitted to the chairpersons of the Assembly Committee on Higher Education and the Senate Committee on Education and to the Governor on or before July 1 annually.

(B) The commission shall hold at least one special meeting to consult with stakeholders before issuing its annual report. These stakeholders shall include, but are not necessarily limited to, all of the following:

(i) The Chancellor of the California Community Colleges, or the chancellor’s designee;

(ii) The Chancellor of the California State University, or the chancellor’s designee.
(iii) The President of the University of California, or the president’s designee.
(iv) The president of the Association of Independent California Colleges and Universities, or the president’s designee.
(v) The Superintendent of Public Instruction, or the Superintendent’s designee.
(vi) The chairperson of the Intersegmental Committee of the Academic Senates, or the chairperson’s designee.
(vii) The executive director of the California Workforce Development Board, or the executive director’s designee.
(viii) The executive director of the Student Aid Commission, or the executive director’s designee.
(ix) The president of the Cal State Student Association, the president of the University of California Student Association, or the president of the Student Senate for California Community Colleges, or the designee of one of those individuals.

(3) The commission is responsible for issuing an annual review of the performance of the executive director of the commission.

(e) (1) The commission shall establish an advisory body to give recommendations on issues before the commission. The advisory body shall comprise the following 13 members:

(A) The Chancellor of the California Community Colleges, or the chancellor’s designee.
(B) The Chancellor of the California State University, or the chancellor’s designee.
(C) The President of the University of California, or the president’s designee.
(D) One member from the independent colleges and universities that are formed and operated as nonprofit organizations in the state and are accredited by a regional association that is recognized by the United States Department of Education. This member shall be appointed by the Governor from a list or lists of nominees submitted by an association or associations of independent colleges and universities.
(E) Three faculty members, one each from the California Community Colleges, the California State University, and the University of California. A faculty member shall be appointed by the Governor from a list of nominees submitted by the academic senate of the respective segment of public postsecondary education.
(F) Three student members, one each from the California Community Colleges, the California State University, and the University of California. A student member shall be enrolled at a California postsecondary educational institution at the time of appointment to, and throughout the student’s term of service on, the advisory body, except that a student member who graduates from a California postsecondary educational institution with no more than six months of the student member’s term remaining may serve on the advisory body for the remainder of the student member’s term. The applicable statewide student organization of the respective segment of public postsecondary education shall submit to the Governor a list of at least three, but not more than five, nominees. A student member shall be appointed by the Governor from the list of nominees submitted by the applicable statewide student organization.

(G) The Superintendent of Public Instruction, or the Superintendent’s designee.

(H) The executive director of the California Workforce Development Board, or the executive director’s designee.

(I) The director of the Student Aid Commission, or the director’s designee.

(2) A member of the advisory body appointed pursuant to subparagraph (D), (E), or (F) of paragraph (1) shall serve a two-year term and may be reappointed to one or more two-year terms if the member continues to meet the applicable requirements for appointment to the advisory body.

(e) The commission shall consult with the higher education segments and stakeholders, as appropriate, in the conduct of its duties and responsibilities. For purposes of this subdivision, “higher education segments” has the same meaning as “segments of postsecondary education,” as that term is defined in Section 66010.95. “Higher education stakeholders” includes, but is not necessarily limited to, postsecondary faculty and students, K–12 representatives, and representatives of the business community.

66010.82. The Higher Education Performance and Accountability Commission exists for the purpose of advising the Governor, the Legislature, and other appropriate governmental officials and institutions of postsecondary education. The commission has the following functions and responsibilities in its
capacity as the statewide postsecondary education coordination, oversight, coordination, and planning agency and adviser to the Legislature and the Governor:

(a) The commission shall, through its use of information and its analytic capacity, inform the identification and periodic revision of state goals and priorities for higher education in a manner that is consistent with the goals outlined in Section 66010.91 and takes into consideration the metrics outlined in Sections 89295 and 92675. It shall, biennially, interpret and evaluate both statewide and institutional performance in relation to these goals and priorities.

(2) In consultation with the segments of public postsecondary education and workforce and development agencies, including, but not limited to, the Labor and Workforce Development Agency, the commission shall do all of the following:

(A) Set performance targets for enrollment and degree and certificate completion statewide and by region. The commission shall update the performance targets every five years. The commission shall set its first performance targets no later than July 1, 2022.

(B) Periodically measure the supply and demand of jobs in fields of study statewide and by region.

(C) Periodically review both statewide and regional gaps of higher education admission, enrollment, success, and employment by race, ethnicity, gender, socioeconomic status, and additional categories of students, as determined by the commission.

(D) Provide cross-segmental data aggregation analyses to the segments of public postsecondary education.

(3) In consultation with the advisory body described in Section 66010.8, the commission shall adopt a strategic plan by July 1, 2022, to guide the commission and its staff in achieving state postsecondary education goals. The strategic plan shall be updated in accordance with the performance targets every five years.

(b) The commission shall review and make recommendations, as necessary, regarding cross-segmental and interagency initiatives and programs in areas that may include, but are not necessarily limited to, efficiencies in instructional delivery, financial aid, transfer, transfer pathways, degree and certificate completion, adult education, graduation rates, affordability, and workforce coordination.
(c) The commission shall advise the Legislature and the Governor regarding the need for, and the location of, new institutions and campuses of public higher education, and review and evaluate proposals for new institutions and campuses of public higher education.

(d) The commission shall review and evaluate budgetary proposals by the segments of public postsecondary education based on the alignment of the proposals with state goals and priorities identified by the commission and outlined in Section 66010.91, and shall make recommendations regarding those proposals to the Legislature and the Governor before the enactment of the annual Budget Act.

(e) The commission shall review proposals by the public segments of public postsecondary education for new programs, the priorities that guide the public segments, and the degree of coordination between those segments and nearby public, independent, and private postsecondary educational institutions, programs beyond the scope of those contemplated by the Master Plan for Higher Education or existing law, and shall make recommendations regarding those proposals to the Legislature and the Governor. The segments of public postsecondary education shall not be required to receive approval from the commission to establish new majors, minors, or career technical education programs at individual campuses.

(f) (1) The commission shall act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies. The commission shall develop and maintain a comprehensive database that does all of the following:

(A) Ensures comparability of data from diverse sources.

(B) Supports longitudinal studies of individual students as they progress through the state’s postsecondary educational institutions through the use of a unique student identifier.

(C) Maintains compatibility with California School Information Services and the student information systems developed and maintained by the public segments of higher public postsecondary education, as appropriate.
(D) Provides internet access to data, as appropriate, to the segments of higher education.

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

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

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

(4) The commission shall, following consultation with the stakeholders described in subdivision (d) of Section 66010.8, shall provide 30-day notification to the chairpersons of the appropriate policy and budget committees of the Legislature, the Director of Finance, and the Governor before making any significant changes to the student information contained in the database.

(g) The commission shall review all proposals for changes in eligibility pools for admission to public institutions and the segments of public postsecondary education, and shall make recommendations regarding those proposals to the Legislature, the Governor, and institutions of the segments of public postsecondary education. In carrying out this subdivision, the commission periodically shall conduct a study of the percentages of California public high school graduates estimated to be eligible for admission to the University of California and the California State University.

(h) The commission shall submit reports to the Legislature in compliance with Section 9795 of the Government Code.

(i) The commission shall manage data systems and maintain programmatic, policy, and fiscal expertise to receive and aggregate information reported by the institutions of higher education in this state.
(j) (1) The commission is responsible for developing an independent annual report on the condition of higher education in California. The report shall be transmitted to the chairpersons of the Assembly Committee on Higher Education and the Senate Committee on Education and to the Governor on or before July 1 annually.

(2) The independent annual report on the condition of higher education in California may include any of the following:

(A) An update on progress towards achieving the performance targets for enrollment and degree and certificate completion statewide and by region set by the commission pursuant to this section.

(B) Information from the prior year on the following data points, disaggregated by region, race, ethnicity, gender, socioeconomic status, type of institution, and additional categories, as determined by the commission:

(C) The percent of California high school graduates enrolling in a postsecondary educational institution.

(D) The number of four-year degrees, two-year degrees, certificates, graduate degrees, and professional degrees awarded.

(E) The average and median amount of debt incurred by current students and graduates.

(F) Average degree or certificate time-to-completion, including the number of students who successfully transferred from a community college to a four-year postsecondary educational institution in California.

(G) The percent of graduates from the prior academic year employed, unemployed, or underemployed.

(H) The average and median incomes of recent graduates by type of degree.

(I) Enrollment in particular programs of study.

(J) Policy or fiscal recommendations for the Legislature and the Governor.

66010.84. Notwithstanding any other law, the commission may require the governing boards and the institutions of public postsecondary education to submit data to the commission 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. The commission shall furnish information concerning
these matters to the Governor and the Legislature as requested by them.

66010.86. (a) On or before December 31 of each year, the commission shall report to the Legislature and the Governor regarding its progress in achieving the objectives and responsibilities set forth in subdivision (a) of Section 66010.82.

(b) On or before January 1, 2025, and on or before January 1 every five years thereafter, the Legislative Analyst's Office shall review and report to the Legislature regarding the performance of the commission in fulfilling its functions and responsibilities as outlined in Section 66010.82.

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