ASSEMBLY BILL

No. 130

Introduced by Assembly Members Low and Eggman

December 4, 2018

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

LEGISLATIVE COUNSEL’S DIGEST

AB 130, as amended, Low. Postsecondary education: Office of Higher Education Performance and Accountability: Accountability Commission. 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 **Office of Higher Education Performance and Accountability Commission**, composed of 6 public members with experience in postsecondary education, appointed as specified, as the statewide postsecondary education coordination and planning entity. The bill would provide for the appointment by the Governor, subject to confirmation by a majority of the membership of the Senate, of an executive director of the office. The bill would establish an 8-member advisory board for the purpose of examining, and making recommendations to, the office regarding the functions and operations of the office and reviewing and commenting on any recommendations made by the office to the Governor and the Legislature, among other specified duties. 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 specify the functions and responsibilities of the office, which would include, among other things, participation, as specified, in the identification and periodic revision of state goals and priorities for higher education, reviewing and making recommendations regarding cross-segmental and interagency initiatives and programs, advising the Legislature and the Governor regarding the need for, and the location of, new institutions and campuses of public higher education, acting as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies, and reviewing all proposals for changes in eligibility pools for admission to public institutions and segments of postsecondary education.

The bill would authorize the office *commission* to require the governing boards and institutions of public postsecondary education to submit data to the office *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 Office of Higher Education Performance and Accountability 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 bill would repeal its provisions on January 1, 2026.

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. Office of Higher Education Performance and Accountability Commission

66010.8. (a) The Office of Higher Education Performance and Accountability Commission is hereby established as the statewide postsecondary education coordination and planning agency. The office is established in state government within the Governor’s office, and is under the direct control of an executive director. 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.

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

(A) Two members appointed by the Senate Committee on Rules.

(B) Two members appointed by the Speaker of the Assembly.

(C) Two members appointed by the Governor.
2 A member of the commission shall serve a term of four years, 
3 and may be removed by the appointing authority only for cause. 
4 (3) The members of the commission shall select a chairperson 
5 from among the membership. 
6 (4) Members of the commission shall serve without 
7 compensation, but shall receive reimbursement for actual and 
8 necessary expenses incurred in connection with the performance 
9 of their duties. 
10 (b) 
11 (c) TheGovernor commission shall appoint the Executive 
12 Director of the Office of Higher Education Performance and 
13 Accountability, an executive director, who shall perform all duties, 
14 exercise all powers, assume and discharge all responsibilities, and 
15 carry out and effect all purposes vested by law in theoffice, 
16 commission, including contracting for professional or consulting 
17 services in connection with the work of the office. The appointment 
18 of the executive director is subject to confirmation by the 
19 affirmative vote of a majority of the membership of the Senate. 
20 commission. The executive director shall appoint persons to any 
21 staff positions theGovernor commission may authorize. 
22 (c) The Governor may appoint the executive director at a salary 
23 that shall be fixed pursuant to Section 12001 of the Government 
24 Code. 
25 (d) (1) An advisory board is hereby established for the purpose 
26 of examining and making recommendations to the office regarding 
27 the functions and operations of the office and reviewing and 
28 commenting on any recommendations made by the office to the 
29 Governor and the Legislature. 
30 (2) The advisory board consists of the Chairperson of the Senate 
31 Committee on Education and the Chairperson of the Assembly 
32 Committee on Higher Education, who serve as ex officio members; 
33 and six public members with experience in postsecondary 
34 education, appointed to terms of four years as follows: 
35 (A) Three members of the advisory board appointed by the 
36 Senate Committee on Rules; 
37 (B) Three members of the advisory board appointed by the 
38 Speaker of the Assembly; 
39 (3) The office shall actively seek input from, and consult with, 
40 the advisory board regarding the functions, operations, and
recommendations of the office, and provide the advisory board with sufficient time to review and comment.

(4) Advisory board

(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). Advisory board Commission materials shall be posted on the Internet.

(5)

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

(6)

(3) (A) The advisory board 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.

(7) The advisory board commission is responsible for issuing
an annual review of the performance of the Executive Director of
the Office of Higher Education Performance and Accountability,
executive director of the commission.

(8) Members of the advisory board shall serve without
compensation, but shall receive reimbursement for actual and
necessary expenses incurred in connection with the performance
of their duties as board members.

(e) The office 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 and “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 Office of 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 office
commission has the following functions and responsibilities in its
capacity as the statewide postsecondary education coordination
and planning agency and adviser to the Legislature and the
Governor:

(a) It 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.

(b) It 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, and workforce coordination.

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

(d) It shall review proposals by the public segments 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, and shall make recommendations regarding those proposals to the Legislature and the Governor.

(e) (1) It shall act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies. It 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 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 office for purposes of the database in order to support, most efficiently and effectively, statewide, segmental, and individual campus educational research information needs.

(2) The office, 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 office 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 office commission to provide that information on behalf of the institution.

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

(f) It shall review all proposals for changes in eligibility pools for admission to public institutions and segments of postsecondary education, and shall make recommendations regarding those proposals to the Legislature, the Governor, and institutions of postsecondary education. In carrying out this subdivision, the office 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.

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

(h) It 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.

66010.84. Notwithstanding any other law, the office commission may require the governing boards and the institutions of public postsecondary education to submit data to the office 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 office 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 office 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 office *commission* in fulfilling its functions and responsibilities as outlined in Section 66010.82.

66010.88. This article shall remain in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2026, deletes or extends that date.

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.