An act to add Section 66205.4 to the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the University of California, under the administration of the Regents of the University of California, and the California State University, under the administration of the Trustees of the California State University, as the 2 segments of public postsecondary education in the state generally authorized to grant baccalaureate degrees. The Donahoe Higher Education Act sets forth the missions and functions of the segments of postsecondary education in this state. Provisions of the act apply to the University of California only to the extent that the regents act, by appropriate resolution, to make those provisions applicable. A provision of the act expresses the intent of the Legislature that, in determining the standards and criteria for undergraduate and graduate admissions to the University of California
and the California State University, the governing bodies of the segments develop processes that, among other things, strive to be fair and are easily understandable.

This bill would require the trustees, and request the regents, before making any change in undergraduate student eligibility policy that adds eligibility requirements that impact students across its segment, to engage in discussions with and coordinate with the other segment other educational segments that will be impacted by the policy in order to understand the impacts of the policy and try to align their respective student eligibility policies and policies. The bill would also require the trustees, and request the regents, to commission an independent study by a third-party research organization to assess the impact of the change in student eligibility policy on the eligibility rates of the graduates of public secondary schools who are members of underrepresented student groups.

The bill would also require, or request, as applicable, if either the trustees or the regents approve a change in student eligibility policy that adds eligibility requirements that impact students across its segment, that an implementation committee, with members selected as designated, be convened to develop a multiyear plan for that segment to work with the public elementary and secondary school system, the California Community Colleges, and the governing body of the other segment to implement the change, and would require in those circumstances annual progress reports to the Governor, the Legislature, and the governing body of the other segment, as specified. If such a change in student eligibility requirements is approved by either the trustees or the regents between January 1, 2020, and the operative date of this bill, the bill would additionally require the trustees or request the regents, as applicable, to commission an independent study by a third-party research organization to assess the actual impact of this change, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.


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

SECTION 1. Section 66205.4 is added to the Education Code, to read:
66205.4. (a) Before making any change in undergraduate student eligibility policy that adds eligibility requirements that impact students across its segment, the Trustees of the California State University shall, and the Regents of the University of California are requested to, do both of the following:

(1) Coordinate with the other segment. Engage in discussions with and coordinate with the other educational segments that will be impacted by the policy to understand the impacts of the policy, including, but not necessarily limited to, the State Department of Education and school districts, in order to try to align their respective student eligibility policies. It is the intent of the Legislature that there be a common set of clear state public university eligibility requirements for public school pupils.

(2) Commission an independent study by a third-party research organization to assess whether the change in student eligibility policy under consideration would have a disparate impact on the eligibility rates of the California graduates of public secondary schools who are members of underrepresented student groups. Specifically, the study shall examine the impact by race, ethnicity, income, and region, and examine the capacity of and resources needed by the educational segments affected to make the necessary changes and investments to deliver on the policy change. This study and its findings should be made publicly available. It is the intent of the Legislature that the segments should not pursue student eligibility policies that would have such a disparate impact.

(3) Present the policy change to the Legislature by way of the chairs of the appropriate policy committees with jurisdiction no less than 60 days before the scheduled vote on the policy change.

(b) (1) If, on or after the operative date of the act that adds this section, either the Trustees of the California State University or the Regents of the University of California approve a change in student eligibility policy that adds eligibility requirements that impact students across their segment, the trustees shall, and the regents are requested to, do both of the following:

(A) (i) Convene an implementation committee that shall develop a multiyear plan for that segment to work in partnership with the public elementary and secondary school system, the California Community Colleges, and the governing body of the other segment to implement the change. In composing this implementation
committee, the trustees or the regents, as appropriate, should consider, but are not limited to, selecting the following:

(I) A faculty representative from any relevant postsecondary segment.

(II) A teacher from a public elementary or high school.

(III) A school district administrator or an administrator of a public elementary or high school.

(IV) A school district superintendent.

(V) A member of a school district governing board or a county board of education.

(VI) A high school pupil.

(VII) A student attending a postsecondary educational institution.

(VIII) A representative of a nonpartisan research organization.

(IX) Two representatives from an external stakeholder organization with expertise in issues relating to racial equity in elementary and secondary education or higher education.

(ii) When selecting members of the implementation committee, the trustees or the regents, as appropriate, shall give careful consideration to ensuring that at least one-third of the implementation committee is composed of individuals from either a Title I school or a rural region, or both.

(B) Each academic year between the approval of the change in student eligibility policy by the trustees or the regents and the effective date of that policy change, the implementation committee established under this subdivision shall provide annual progress reports to the Governor, the Legislature, and the governing bodies of the two segments. The report to the Legislature shall comply with Section 9795 of the Government Code. The implementation committee shall also commission an analysis of the policy after it has been adopted and fully implemented in order to understand the ongoing impact of the policy.

(2) If, between January 1, 2020, and the operative date of the act that adds this section, either the Trustees of the California State University or the Regents of the University of California approve a change in student eligibility policy that adds eligibility requirements that impact students across their segment, the trustees shall, and the regents are requested to, do both of the following:

(A) Commission an independent study by a third-party research organization to make an assessment as specified in paragraph (2)
of subdivision (a), except that the assessment shall be required to
analyze the actual, as well as the projected, impact of the change
in student eligibility policy that was approved.
(B) Comply with the requirements of paragraph (1).
(c) The segments shall use existing resources to implement this
section.
(d) As used in this section, “segment” means the California
State University or the University of California.

SEC. 2. This act is an urgency statute necessary for the
immediate preservation of the public peace, health, or safety within
the meaning of Article IV of the California Constitution and shall
go into immediate effect. The facts constituting the necessity are:
In order to ensure that pupils who are currently preparing
themselves academically to ensure that they are eligible for the
University of California or the California State University are
properly informed of proposed changes to those segments’ student
eligibility policies, it is necessary that this act take effect
immediately.