An act to add Chapter 11.1 (commencing with Section 66910) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST


Existing law provides for 5 segments of postsecondary education in this state: the University of California, the California State University, the California Community Colleges, independent institutions of higher education as defined in the Donahoe Higher Education Act, and private postsecondary educational institutions as defined in the California Private Postsecondary Education Act of 2009. The Donahoe Higher Education Act applies to the University of California only to the extent that the Regents of the University of California act by resolution to make them applicable.

This bill would establish the Office of Higher Education Coordination, Accountability, and Performance under the administration of a governing board composed of 5 members, as specified. The bill would give the office specified functions and responsibilities for purposes of statewide postsecondary education planning, oversight, data collection, and coordination. The bill would require the governing board to establish an advisory body, comprising 11 members, as specified, to provide recommendations to the governing board on issues before the governing
The bill would require the public postsecondary segments and the Labor and Workforce Development Agency to submit specified data to the office in support of these functions and responsibilities. On or before January 31 of every year, the bill would require the office to submit a report to the Legislature and the Governor on its progress in achieving its functions and responsibilities. On or before July 1, 2025, the bill would require the Legislative Analyst’s Office to review and report to the Legislature on the office’s performance of its functions and responsibilities. The bill would apply to the University of California only to the extent the Regents act by resolution to make it apply. To the extent the bill would impose additional duties on community college districts, the bill would impose a state-mandated local program.

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. Chapter 11.1 (commencing with Section 66910) is added to Part 40 of Division 5 of Title 3 of the Education Code, to read:

Chapter 11.1. Office of Higher Education Coordination, Accountability, and Performance

Article 1. Title

66910. This chapter shall be known, and may be cited, as the Office of Higher Education Coordination, Accountability, and Performance Act.
Article 2. Definitions

66911. For purposes of this chapter, the following definitions apply:
(a) Except as provided in paragraphs (3) and (6) of subdivision (h) of Section 66913, “board” means the governing board of the Office of Higher Education Coordination, Accountability and Performance.
(b) “Office” means the Office of Higher Education Coordination, Accountability, and Performance established in Section 66913.
(c) “Public postsecondary segments” mean the California State University, the California Community Colleges, and the University of California.

Article 3. Legislative Intent

66912. It is the intent of the Legislature that all of the following occur:
(a) That the office promotes integration, planning, oversight, and coordination of postsecondary education in the state, whereby each segment of postsecondary education, in accordance with the missions and functions of the segment, contributes toward achieving a common purpose.
(b) That the office, as the state’s postsecondary planning and coordinating entity, ensures the effective use of public postsecondary education resources, thereby eliminating unnecessary duplication of these resources, and promotes diversity, innovation, and responsiveness to student and societal needs.
(c) That the office develops and maintains data capable of tracking a pupil’s academic progress as the pupil matriculates into a postsecondary educational institution and ultimately into the workforce. It is the intent of the Legislature that this data be stored and used in a preschool through higher education (P-20) longitudinal statewide data system.
(d) That the office develops and maintains a P-20 longitudinal statewide data system capable of documenting the performance of the public postsecondary segments and their campuses in meeting the education and workforce training needs of California’s diverse population.
That the office is responsible for coordinating public, independent, and private nonprofit and for-profit postsecondary education in this state and for providing independent policy analyses and recommendations to the Legislature and the Governor on postsecondary education issues.

That the office is responsible for providing effective oversight of private for-profit postsecondary educational institutions and student and public protections against fraudulent or substandard postsecondary academic programs or degrees.

That board members shall broadly and equitably reflect the diversity of the state, including, but not limited to, the economic and geographic diversity of the state.

Article 4. Statewide Postsecondary Education Planning and Coordination

66913. (a) The Office of Higher Education Coordination, Accountability, and Performance is hereby established for purposes of statewide postsecondary education planning, oversight, data collection, and coordination. The office is an independent state entity and shall advise the Governor, the Legislature, other appropriate government officials or bodies, and postsecondary educational institutions on statewide postsecondary education matters.

(b) (1) The office shall be administered by a board composed of the following five members:

(A) Three members appointed by the Governor, subject to confirmation by two-thirds of the Senate.

(B) One member appointed by the Senate Rules Committee.

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

(2) Each member appointed pursuant to paragraph (1) shall be a member of the public with relevant expertise in higher education as it pertains to at least one of the following areas:

(A) Student support.

(B) College and career pathways.

(C) Consumer outreach, policy, research, planning, or development.

(c) (1) Except as provided in paragraph (2), a person who is employed by any public or private postsecondary educational institution shall not be appointed to serve on the board.
(2) 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 board if the person is not a permanent, full-time employee of the institution.

(d) (1) Except as provided in paragraph (2), members of the board shall serve four-year terms.

(2) The initial members appointed pursuant to subparagraph (A) of paragraph (1) of subdivision (b) shall serve six-year terms.

(3) Members of the board may be reappointed to serve additional terms on the board.

(e) The board shall select a chair from among its members.

(f) The board shall appoint a state higher education executive officer who shall act in accordance with the board’s policies and regulations and applicable law. The affirmative vote of two-thirds of all duly appointed members of the board, not including vacant seats on the board, shall be necessary to appoint the executive officer. The executive officer shall appoint persons to any staff positions authorized by the board.

(g) The board may delegate authority to the state higher education executive officer to act in the name of the board.

(h) The board shall establish an advisory body to give recommendations to the board on issues before the board. The advisory body shall comprise the following 11 members:

(1) One representative of the Regents of the University of California designated by the regents.

(2) One representative of the Trustees of the California State University designated by the trustees.

(3) One representative of the Board of Governors of the California Community Colleges designated by the board of governors.

(4) One representative of 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 submitted by an association or associations of these independent colleges and universities.

(5) The bureau chief, or a designee of the bureau chief, of the Bureau for Private Postsecondary Education.
(6) The President of the State Board of Education, or a person designated by the president from among the other active members of the state board.

(7) Three faculty members, one from each of the public postsecondary segments. These members shall be appointed by the Governor from lists submitted to the board by the academic senate of each of the public postsecondary segments.

(8) Two student representatives, each of whom 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 Governor shall appoint each student member from persons nominated by the applicable statewide student organizations of the postsecondary education segments. For each student member appointment to the advisory body, each applicable statewide student organization may submit to the Governor a list of nominees. Each list shall specify at least three, but not more than five, nominees. Each student member appointed to the advisory body shall not be enrolled in the same segment as the student member’s outgoing predecessor, or the other active student member, of the advisory body.

(i) The board shall meet as often as it deems necessary to carry out its functions and responsibilities as set forth in Section 66914.

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

66914. The office shall have all of the following functions and responsibilities:

(a) It shall advise the Legislature and the Governor regarding the need and optimal locations for a new segment of public postsecondary education or new public postsecondary segment campuses.

(b) It shall review legislative and budget proposals from the public postsecondary segments for new public postsecondary programs, priorities to guide the public postsecondary segments, and coordination between the public postsecondary segments, and nearby independent institutions of higher education, as defined in
Section 66010, and private postsecondary educational institutions, as defined in Section 94858. The office shall make recommendations regarding these proposals to the Legislature and the Governor. Each public postsecondary segment shall submit all proposals for new academic programs at its campuses to the office for review together with supporting materials and documents specified by the office.

(c) It shall review all proposals for changes in eligibility pools for admission to the public postsecondary segments and their campuses, and shall make recommendations regarding those proposals to the Legislature, the Governor, and the public postsecondary segments. In carrying out this paragraph, the office shall periodically 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.

(d) It shall periodically provide independent oversight on the public postsecondary segments’ and individual campus-based programs and initiatives and cross-segmental and interagency programs and initiatives in areas that include, but are not necessarily limited to, graduation rates, affordability, transfer, financial aid, assessment and placement, remediation, degree and certificate completion, adult education, workforce coordination, student transition into the workforce, effectiveness, and alignment with state goals and performance measures in higher education, including, but not necessarily limited to, the performance measures described in Sections 89295 and 92675. The office shall make recommendations regarding these programs and initiatives to the Legislature and the Governor.

(e) It shall, through its use of information and its analytic capacity, do all of the following:

1. Inform the identification and periodic revision of Identify and periodically revise state goals and performance measures of higher education in a manner that aligns with the goals for California’s postsecondary education system described in Section 66010.91, and takes into consideration the performance measures described in Sections 89295 and 92675. It shall, biennially, interpret and evaluate both statewide and regional performance in relation to those goals and performance measures.

2. In consultation with the public postsecondary segments, set performance targets for enrollment and degree and certificate
completion statewide and by region. The office shall update the
performance targets every two years.
(3) In consultation with the public postsecondary segments and
workforce and development agencies, including, but not limited
to, the Labor and Workforce Development Agency, periodically
measure the supply and demand of jobs in fields of study statewide
and by region.
(4) Periodically review both statewide and regional gaps of
higher education admission, enrollment, and success by race,
etnicity, gender, socioeconomic status, and additional categories
of students, as determined by the office.
(5) Provide, on its internet website, comparative information to
help students and their families make informed decisions regarding
academic programs offered by public and private postsecondary
educational institutions in the state.
(6) Provide cross-segmental data aggregation analyses to the
public postsecondary segments.
66915. (a) The office may require the public postsecondary
segments to submit data to the office on plans, programs, costs,
admission, enrollment, retention, plant capacities, and other matters
pertinent to effective planning, policy development, articulation,
and coordination. The office shall furnish information concerning
these matters to the Governor and to the Legislature as requested
by them.
(b) The public postsecondary segments shall provide student
data to the office in a manner and format prescribed by the office
for the purpose of establishing a P-20 longitudinal statewide data
system.
(c) (1) The Labor and Workforce Development Agency shall
provide wage record and workforce program data to the office for
students who recently entered the workforce under one of the
following categories:
(A) As a California high school dropout.
(B) As a California high school graduate who has not enrolled
full time as a public postsecondary student.
(C) As a California public postsecondary dropout.
(D) As a California public postsecondary graduate.
(2) The agency shall submit data pursuant to paragraph (1)
disaggregated by category.
(d) The public postsecondary segments and the Labor and Workforce Development Agency shall provide to the office new data every six months for purposes of this chapter.

(e) The public postsecondary segments, the office, and the Labor Workforce and Development Agency may disclose data pursuant to this section only to the extent permitted by state and federal privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

(f) The office shall make recommendations to the Legislature and the Governor on standardizing definitions and data collection across the state’s preschool through grade 12 system and public postsecondary segments.

66916. (a) On or before January 31 of each year, the office shall report, pursuant to Section 9795 of the Government Code, to the Legislature and the Governor on its progress in achieving its functions and responsibilities as set forth in Section 66914.

(b) On or before July 1, 2025, the Legislative Analyst’s Office shall review and report to the Legislature on the performance of the office in fulfilling its functions and responsibilities as set forth in Section 66914.

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.