AMENDED IN ASSEMBLY JUNE 27, 1973
AMENDED IN ASSEMBLY JUNE 18, 1973
AMENDED IN ASSEMBLY MAY 31, 1973
AMENDED IN ASSEMBLY MAY 22, 1973

CALIFORNIA LEGISLATURE—1973-74 REGULAR SESSION

ASSEMBLY BILL No. 770

Introduced by Assemblyman Lanterman, Assemblymen Lanterman, Davis, Collier, and Vasconcellos

March 15, 1973

REFERRED TO COMMITTEE ON EDUCATION

An act to amend Sections 22750, 22752, 22753, and 22755 of, to add Chapter 5.5 (commencing with Section 22710) to Division 16.5 of, and to repeal Chapter 5 (commencing with Section 22700) of Division 16.5 of, the Education Code, and to add Section 11563.8 to the Government Code, relating to public higher education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST
Repeals chapter relating to the Coordinating Council for Higher Education, operative April 1, 1974.
Establishes California Postsecondary Education Commission. Prescribes membership, terms of office, compensation, powers, duties, and functions. Vests in the commission responsibility as statewide postsecondary education planning and coordinating agency and advisor. Transfers, operative April 1,
1974, all powers, duties, and functions of the council to the
commission. Accepts provisions of, and funds provided by,
specified provisions of the Education Amendments of 1972
(P.L. 92-318), designates commission to carry out prescribed
provisions of such amendments, and vests in Board of Gover-
nors of California Community Colleges all necessary power
and authority to receive benefits and expend funds provided
thereby on behalf of community colleges. Revises provisions
accepting provisions and funds provided by various federal
statutes.

Appropriates $200,000 to the California Postsecondary Edu-
cation Commission for carrying out purposes of this act
through June 30, 1974.

Adds related provisions.

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-
mandated local program: no.

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

SEC. 1. Chapter 5 (commencing with Section 22700) of Division 16.5 of the Education Code is repealed.

SEC. 2. Chapter 5.5 (commencing with Section 22710) is added to Division 16.5 of the Education Code, to read:

CHAPTER 5.5. CALIFORNIA POSTSECONDARY
EDUCATION COMMISSION

22710. The Legislature finds that coordination and
planning are vital elements in providing postsecondary
education to meet the needs of the people of the State of
California.

The Legislature intends to create a statewide agency to
assure the effective utilization of public postsecondary
education resources, thereby eliminating waste and
unnecessary duplication, and to promote diversity,
innovation, and responsiveness to student and societal
needs through planning and coordination.

It is further the intent of the Legislature that
educational policy recommendations of the commission
shall be a primary consideration in developing state policy and funding for higher education.

It is further the intent of the Legislature that the commission shall have adequate staffing and funding to carry out its duties and responsibilities.

22710.5. There is hereby created the California Postsecondary Education Commission. The commission shall be composed of the following members:

1. The chairman of the Regents of the University of California, the Trustees of the California State University and Colleges, and the Board of Governors of the California Community Colleges, or their designees from among the appointed members of their respective boards.

2. A representative of the independent California colleges and universities which are accredited by a national or regional association which is recognized by the United States Office of Education. This member shall be appointed by the Governor from a list or lists submitted by an association or associations of such institutions.

3. The chairman of the California Advisory Council on Vocational Education and Technical Training and the Council for Private Postsecondary Educational Institutions or their designees from among the other members of their respective councils.

4. The President of the State Board of Education or his designee from among the other members of the board.

5. Twelve representatives of the general public appointed as follows: four by the Governor, four by the Senate Rules Committee, and four by the Speaker of the Assembly. It is the intent of the Legislature that the commission be broadly and equitably representative of the general public in the appointment of its public members and that the appointing authorities, therefore, shall confer to assure that their combined appointments include adequate representation on the basis of sex and on the basis of the significant racial, ethnic, and economic groups in the state.
No person who is regularly employed in any administrative, faculty, or professional position by any institution of public or private postsecondary education shall be appointed to the commission.

The commission members designated in subdivisions (1), (3), and (4) shall serve at the pleasure of their respective appointing authorities. The members designated in subdivision (2) shall serve a three-year term. The members designated in subdivision (5) shall each serve a six-year term. When vacancies occur prior to expiration of terms, the respective appointing authority may appoint a member for the remainder of the term.

Any person appointed pursuant to this section may be reappointed to serve additional terms.

No person appointed pursuant to this section shall, with respect to any matter before the commission, vote for or on behalf of, or in any way exercise the vote of, any other member of the commission.

The commission shall meet as a committee of the whole not less than 24 days in each calendar year and may meet as a committee of the whole or in subcommittees such additional days as it deems necessary.

The commission shall meet as often as it deems necessary to carry out its duties and responsibilities.

Any member of the commission who in any calendar year misses more than one-fourth of the meetings of the commission forfeits his office, thereby creating a vacancy.

The commission shall select a chairman from among the members representing the general public. The chairman shall hold office for a term of one year and may be selected to successive terms.

The commission may appoint such subcommittees or advisory committees as it deems necessary to advise it on matters of educational policy. Such advisory committees may consist of commission members or nonmembers or both, including students, faculty members, segmental representatives, governmental representatives, and representatives of the public.

The commission shall appoint and may remove a director in the manner hereinafter specified. He shall
appoint persons to such staff positions as the commission may authorize.

The commission shall prescribe rules for the transaction of its own affairs, subject, however, to the following requirement and limitations: (1) The votes of all representatives shall be recorded; (2) effective action shall require the affirmative vote of a majority of all the members of the commission and (3) the affirmative votes of two-thirds of all the members of the commission shall be necessary to the appointment or removal of the director.

22711. The commission 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, articulation and coordination, and shall furnish information concerning such matters to the Governor and to the Legislature as requested by them.

22712. The commission shall have the following functions and responsibilities in its capacity as the statewide postsecondary education planning and coordinating agency and advisor to the Legislature and Governor:

(1) 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.

(2) It shall prepare a five-year state plan for postsecondary education which shall integrate the planning efforts of the public segments and other pertinent plans. The commission shall seek to resolve conflicts or inconsistencies among segmental plans in consultation with the segments. If such consultations are unsuccessful the commission shall report the unresolved issues to the Legislature with recommendations for resolution.
In developing such plan, the commission shall consider at least the following factors: (a) the need for and location of new facilities, (b) the range and kinds of programs appropriate to each institution or system, (c) the budgetary priorities of the institutions and systems of postsecondary education, (d) the impact of various types and levels of student charges on students and on postsecondary educational programs and institutions, (e) appropriate levels of state-funded student financial aid, (f) access and admissions of students to postsecondary education, and (g) the provisions of this division differentiating the functions of the public systems of higher education.

(3) It shall update the state plan annually.

(4) It shall participate in appropriate stages of the executive and legislative budget processes as requested by the executive and legislative branches and shall advise the executive and legislative branches as to whether segmental programmatic budgetary requests are compatible with the state plan. It is not intended that the commission hold independent budget hearings.

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

(6) It shall review segmental proposals for new programs and make recommendations regarding such proposals to the Legislature and the Governor.

(7) It shall, in consultation with the segments, establish a schedule for segmental review of selected educational programs, evaluate the program review processes of the segments, and report its findings and recommendations to the Governor and the Legislature.

(8) It shall serve as a stimulus to the segments and institution of postsecondary education by projecting and identifying societal and educational needs and encouraging adaptability to change.

(9) It shall develop and submit plans to the Legislature and the Governor for the funding and administration of a program to encourage innovative educational programs by institutions of postsecondary education.
(10) It shall collect or conduct or both collect and
collect studies of projected manpower supply and
demand, in cooperation with appropriate state agencies,
and disseminate the results of such studies to institutions
of postsecondary education and to the public in order to
improve the information base upon which student
choices are made.

(11) It shall periodically review the need for and
availability of postsecondary programs for adult and
continuing education, and recommend guidelines for the
establishment of such programs.

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

(13) It shall maintain a current inventory of all
off-campus programs and facilities for education,
research and community service operated by public and
private institutions of postsecondary education.

(14) 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, and develop a comprehensive data base
insuring comparability of data from diverse sources.

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

(16) It shall comply with the appropriate provisions of
the Education Amendments of 1972 (P.L. 92-318) as
specified in Section 22750.

(17) It shall consider the relationships between
academic and occupational and vocational education
programs and shall actively encourage the participation
of state and local and public and private persons and
agencies with a direct interest in these areas.

(18) It shall review all proposals for changes in
eligibility pools for admission to public institutions and
segments of postsecondary education and shall make
recommendations to the Legislature, Governor, and
institutions of postsecondary education.

(19) It shall report annually, with recommendations,
1 to the Legislature and the Governor regarding the
2 financial conditions of independent institutions, their
3 enrollment and application figures, the number of
4 student spaces available, and the respective cost of
5 utilizing those spaces as compared to providing
6 additional public spaces.
7 (20) It shall, upon request of the Legislature or the
8 Governor, submit to the Legislature and the Governor a
9 report on all matters so requested which are compatible
10 with its role as the statewide postsecondary education
11 planning and coordinating agency and may, from time to
12 time, submit to the Governor and the Legislature a
13 report which contains recommendations as to necessary
14 or desirable changes, if any, in the functions, policies, and
15 programs of the several segments of public and private
16 postsecondary education.
17 (21) It may undertake such other functions and
18 responsibilities as are compatible with its role as the
19 statewide postsecondary education planning and
20 coordinating agency.
21 22713. It is the intent of the Legislature not to
22 authorize the formation of new community college
23 districts or to authorize or acquire sites for new
24 institutions or branches of off-campus centers of the
25 University of California, the California State University
26 and Colleges, or the California Community Colleges or to
27 authorize the beginning of construction of such
28 institutions or branches or off-campus centers, unless
29 such sites or the beginning of construction on previously
30 approved sites are recommended by the California
31 Postsecondary Education Commission and not to
32 authorize existing or new institutions of public education,
33 other than those described in subdivisions (2) and (3) of
34 Section 22500, to offer instruction beyond the 14th grade
35 level.
36 It is further the intent of the Legislature that funds
37 shall not be appropriated for new postsecondary
38 educational programs until they have been forwarded to
39 the commission for review and the commission has been
40 afforded a reasonable length of time to review them.

All proposals for new postsecondary educational programs shall be forwarded to the commission for review together with such supporting materials and documents as the commission may specify. The commission shall review such proposals within a reasonable length of time, which time shall not exceed 60 days following submission of the program and the specified materials and documents. For the purposes of this section, "new postsecondary educational
programs" means all proposals for new schools or colleges, all series of courses arranged in a scope or sequence leading to a graduate or undergraduate degree which have not appeared in a segment's or district's academic plan within the previous two years, and all proposals for new research institutes or centers which have not appeared in a segment's or district's academic plan within the previous two years.
the year in which the respective terms are to start.

The Superintendent of Public Instruction shall convene and chair meetings of the commission in January, February, and March of 1974. In March 1974, the commission shall select a chairman and shall have adopted procedures for recruitment and appointment of a director.

The Coordinating Council for Higher Education shall continue in existence until March 31, 1974. The California Postsecondary Education Commission shall, on April 1, 1974, succeed to the powers, duties, and functions vested in the Coordinating Council for Higher Education.

Responsibilities heretofore assigned to the Coordinating Council for Higher Education through legislative resolution and budget language shall be assumed by the commission on April 1, 1974. All ongoing projects, information, and files of the council shall be transferred to the commission on that date. In order to facilitate a smooth transition, the chairman and director of the commission shall sit with the Coordinating Council for Higher Education at its regularly scheduled meetings.

22716. This division shall be known and may be cited as the Donahoe Higher Education Act.

SEC. 10. Section 22750 of the Education Code is amended to read:

22750. The people of the State of California accept the provisions of and each of the funds provided by Title I and Title X of the Education Amendments of 1972 (P.L. 92-318).

SEC. 11. Section 22752 of the Education Code is amended to read:

22752. The California Postsecondary Education Commission is designated as the state educational agency to carry out the purposes and provisions of the Education Amendments of 1972 (P.L. 92-318) as follows:

(a) The commission is designated as the state commission required to be established pursuant to Section 1202 of Title X of the Higher Education Act of 1965 (P.L. 89-329) as amended by the Education Amendments of 1972 (P.L. 92-318);
(b) The commission is designated as the state administrative agency required to be established pursuant to Section 1055 of Title X of the Higher Education Act of 1965 (P.L. 89-329) as amended by the Education Amendments of 1972 (P.L. 92-318);

(c) The commission is designated as the state administrative agency required to be established pursuant to Section 105 of Title I, Section 122 of Title III, Section 603 of Title VI and Section 704 of Title VII of the Higher Education Act of 1965 (P.L. 89-329) as amended by the Education Amendments of 1972 (P.L. 92-318). The California Postsecondary Education Commission is hereby vested with authority to prepare and submit to the United States Commissioner of Education any state plan required by said act of Congress, to prepare and submit amendments to such state plans, and to administer such state plans or amendments thereto, in accordance with said act of Congress and any rules and regulations adopted thereunder. Any such state plan or amendment thereto prepared by the California Postsecondary Education Commission shall be subject to the approval of the Department of Finance to the extent required by Section 13326 of the Government Code. The California Postsecondary Education Commission is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

SEC. 12. Section 22753 of the Education Code is amended to read:

22753. The Trustees of the California State University and Colleges on behalf of any state university or state college, the Regents of the University of California on behalf of the university, the Board of Governors of the California Community Colleges on behalf of the community colleges and the Board of Governors of the State–Nautical–School on behalf of the State–Nautical School, are vested with all power and authority to perform all acts necessary to receive the benefits and to

California Maritime Academy on behalf of the California Maritime Academy,
expend the funds provided by said act of Congress and
with all necessary power and authority to cooperate with
the government of the United States, or any agency or
agencies thereof, and with the California Postsecondary
Education Commission for the purpose of receiving the
benefits and expending the funds provided by said act of
Congress, in accordance with said act, or any rules or
regulations adopted thereunder, or any state plan or rules
or regulations of the California Postsecondary Education
Commission adopted in accordance with said act of
Congress. Whenever necessary to secure the full benefits
of said act of Congress for loans or grants for academic
facilities; such trustees, regents, or boards of governors
may give such security as may be required and may
comply with such conditions as may be imposed by the
federal government.

SEC. 13. Section 22755 of the Education Code is
amended to read:

22755. The funds received by the state under the
provisions of the federal act shall be paid out by the State
Treasurer on warrants drawn by the Controller and
requisitioned by the California Postsecondary Education
Commission in carrying out the purposes of the federal
act.

SEC. 14. Section 22756 of the Education Code is
repealed.

SEC. 15. Section 22501 of the Education Code is
repealed.

SEC. 16. Section 11563.8 is added to the Government
Code, to read:

11563.8. An annual salary of ten thousand eighty
dollars ($10,080) shall be paid to each of the following:
(a) Member, California Postsecondary Education
Commission.

SEC. 17. There is hereby appropriated from the
General Fund to the California Postsecondary Education
Commission the amount of two hundred thousand dollars
($200,000) for the purposes of carrying out this act
through June 30, 1974.

SEC. 18. Sections 1, 11, 12, 13, 14, and 15 shall become
operative on April 1, 1974.
SEC. 19. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.