Introduced by Senator Alquist

January 23, 1979

An act to add Chapter 14 (commencing with Section 67200) to Part 40 of the Education Code, relating to public higher education.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as introduced, Alquist. Public higher education.

Existing law vests the authority to manage and control the University of California in the Regents of the University of California, the authority to manage and control the California State University and Colleges in the Trustees of the California State University and Colleges, and the authority to manage and control California community colleges at the statewide level in the Board of Governors of the California Community Colleges, and at the district level by the elected governing board in each district.

This bill establishes a Board of Regents of the University of California, which on July 1, 1983, will succeed to the duties, powers, responsibilities, and jurisdiction heretofore vested in Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of California Community Colleges, the California Postsecondary Education Commission, the Student Aid Commission, the State Board of Education, Department of Education, and Superintendent of Public Instruction, for the management, administration, and control of the University of California, California State University and Colleges, California community colleges, and related higher education programs and activities.

This bill also prescribes the powers and duties of the board, requires it to account annually for all moneys which the universities receive from any source, and requires it to submit
to the Legislature annually a detailed budget for public higher education.

The bill also provides for establishment of 6 to 8 regional subdivisions of the university, to assist, generally, in coordinating all public higher education resources within each region for the educational needs of communities within the region.

The bill is to become operative only if an unspecified Senate constitutional amendment of the 1979–80 Regular Session is approved by the electors.


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

SECTION 1. Chapter 14 (commencing with Section 67200) is added to Part 40 of the Education Code, to read:

CHAPTER 14. GOVERNANCE OF PUBLIC HIGHER EDUCATION


67200. In accordance with the provisions of Section 9 of Article IX of the California Constitution, there is a single unified statewide system of public higher education under the title of the University of California.

(a) All community colleges heretofore and hereafter established pursuant to law.

(b) All state universities and state colleges heretofore and hereafter established pursuant to law.

(c) Each campus, branch, facility, and function of the University of California heretofore and hereafter established by the Regents of the University of California.

(d) The state nautical school.

(e) All other classes of postsecondary educational institutions hereafter established in accordance with the provisions of this chapter.

(f) Related state agencies established heretofore or
hereafter by law for the support and encouragement of public higher education.

67202. The provisions of this chapter shall supersede the provisions of any other law which conflict with the provisions of this chapter.

67203. As used in this chapter, "board" means the Board of Regents of the University of California.

Article 2. Governance

67220. There is in the state government a Board of Regents of the University of California, as provided for in Section 9 of Article IX of the California Constitution. The board established pursuant to this chapter shall on July 1, 1983, succeed the Regents of the University of California described in Section 9 of Article IX of the California Constitution, as amended November 2, 1976.

67221. The principal responsibilities of the Board of Regents shall be:

(a) The formulation of general statewide governing policies regarding the conduct of educational activities on the part of the various institutions which make up the university, the management of those institutions, the administration of all funds received by those institutions, and the administration of personnel matters.

(b) The development of comprehensive statewide short- and long-range program plans for higher education, including instruction, research, public service, student aid, and all other functions and activities of public higher education.

(c) The development and presentation of short- and long-range fiscal plans for higher education in California.

(d) The allocation of all state financial support for higher education according to the provisions of federal and state law.

(e) Periodic evaluation of the performance of the various campuses, facilities, agencies, and functions of the university in relation to statewide educational objectives.

(f) The central administration of state student financial aid programs.
67222. Commencing on July 1, 1983, the Board of Regents of the University of California shall succeed to the duties, powers, responsibilities, and jurisdiction heretofore vested in the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, the California Postsecondary Education Commission, the Student Aid Commission, the State Board of Education, the Department of Education, the Superintendent of Public Instruction, and the Director of Education with respect to the management, administration, and control of the University of California, the California State University and Colleges, the California community colleges, and related higher education programs and activities.

Whenever, in any law relating to the management, administration, and control of the University of California, the California State University and Colleges, or the California community colleges, reference is made to the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, the California Postsecondary Education Commission, the Student Aid Commission, the State Board of Education, the Department of Education, the Superintendent of Public Instruction, or the Director of Education, such reference shall be deemed to mean the Board of Regents of the University of California.

67223. The board shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct.

67224. The board shall also have all the powers necessary or convenient for the effective administration of the university, including the power to sue and to be sued, to use a seal, and to delegate to its committees or
to the faculty of the university, or to others, such
authority or functions as it may deem wise, provided, that
all moneys derived from the sale of public lands donated
to this state by act of Congress approved July 2, 1862 (and
the several acts amendatory thereof), shall be invested as
provided by such acts of Congress and the income from
such moneys shall be inviolably appropriated to the
endowment, support and maintenance of at least one
college of agriculture, where the leading objects shall be
(without excluding other scientific and classical studies,
and including military tactics) to teach such branches of
learning as are related to scientific and practical
agriculture and mechanic arts, in accordance with the
requirements and conditions of such acts of Congress;
and the Legislature shall provide that if, through neglect,
misappropriation, or any other contingency, any portion
of the funds so set apart shall be diminished or lost, the
state shall replace such portion so lost or
misappropriated, so that the principal thereof shall
remain forever undiminished.

67225. The board shall prepare, update, and annually
submit to the Legislature a long-range plan for
postsecondary education in this state. The long-range
plan shall comprehend all postsecondary instructional
programs and the points and processes of articulation
between these programs and those of the elementary and
secondary schools, and it shall include all other functions
and activities of the various campuses and facilities which
make up public higher education. The long-range plan
shall also include fiscal plans for current operations and
capital outlay (including instruction, research, public
service, student aid, auxiliary services, and other related
elements), and it shall include an analysis of all sources of
income, including public appropriations, student
charges, gifts, grants, and earnings. In addition, this
planning shall take into account the role and financing of
independent institutions of higher education in
California.

67226. The board annually shall submit to the
Governor a detailed budget for public higher education
for inclusion in the Governor's Budget and in the Budget Bill, and shall comply with the provisions of Chapter 3 (commencing with Section 13290) of Part 3 of Division 3 of Title 2 of the Government Code.

67227. The board shall establish several classes of institutions of public higher education, including, but not limited to, community colleges, liberal arts colleges, university centers, and specialized institutions appropriate to a policy of differentiation of function. The board shall have the responsibility of establishing the general characteristics of each class of institutions, classifying each existing and new institution, and approving changes in classification. The board shall determine the need for and location of new facilities, including new community college districts, and the facility standards to be followed in the construction of new facilities.

67228. The board shall regularly review and evaluate the quality, availability, and efficiency of higher education in California and develop appropriate criteria and measurement techniques for that evaluation.

67229. The board shall designate six to eight regional subdivisions of the University of California according to the distribution and concentration of population, the distribution of existing campuses and other facilities, geographical factors, and such other factors as are relevant to such a subdivision.

67230. In each region there shall be established a council of presidents, consisting of the presidents of all of the public higher education institutions of the region. The members of each regional council shall select one of their members to serve for a two-year term, as chairman. Each council shall be provided with a staff and executive officer by the board.

67231. The principal functions of the regional councils are to assist in focusing all of the resources of public higher education within each region on the educational needs of the communities within that region. To assist in carrying out these functions, the regional councils shall be responsible for the preparation of a regional program
and fiscal plans in conjunction with the statewide planning carried out by the board. These regional plans shall be submitted to the board for approval and for inclusion within the statewide program and fiscal plans. The regional councils shall also be responsible for the coordination of admissions policies and procedures within each region, the administration of equal opportunity programs and overseeing of the implementation of statewide and regional policies with respect to the joint use of specialized instructional and research facilities, and other cooperative activities. The regional councils shall advise the board as to the need for new programs and facilities within each region and the effectiveness of financial support policies and procedures.

67232. The executive officers of each regional council shall have responsibility, under supervision of the council of presidents, for administering the functions delegated to the regions, as well as any special regional programs, and for assisting the individual institutions, as necessary, in carrying out the policies of the board.

67233. The development of regional plans and programs for public higher education shall give explicit consideration to the role and function of the independent institutions of higher education within each region. The regional councils shall establish and maintain close coordination between public and private higher education within each region in such matters as admissions policies, student financial aid, equal opportunity programs, the establishment of research organizations and institutes, and similar activities.

Article 3. Financial Administration

67240. The board shall account annually for all moneys received by the University of California from any source during the fiscal year. The annual accounting shall be made to the Department of Finance and the Legislature.

67241. Notwithstanding any other provision of law to
the contrary, the board shall be designated as the state
educational agency to receive funds and to carry out the
purposes and provisions of any acts of Congress which
authorize funds of any type to the State of California for
higher education.

Article 4. Personnel

67260. The board shall appoint the president of the
university and the presidents of all institutions of the
university, other than the community colleges. The
presidents of the community colleges shall continue to be
appointed by the governing boards of the community
college districts.

67261. All academic and nonacademic appointments
at any campus of the university, other than a community
college, shall be made in the name of and under the
authority of the board. All such employees shall be
designated as employees of the University of California.

67262. The board shall determine the salary scales and
steps within scales to be applied to employees in various
categories and with varying levels of experience and
competence. The board, however, shall make no salary
scale which requires expenditures in excess of existing
appropriations available for the payment of salaries.

Article 5. Property

67280. All personnel, property, buildings, contracts,
and indebtedness belonging to the University of
California, the California State University and Colleges,
and the Board of Governors of the California Community
Colleges shall on July 1, 1983, be transferred to the board.

Sec. 2. Section 1 of this act shall become operative
only if Senate Constitutional Amendment No. _______ of
the 1979–80 Regular Session of the Legislature is enacted
by the Legislature at its 1979 Regular Session and
approved by the electors, in which event it shall become
operative July 1, 1983.