

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2908

Introduced by Committee on Higher Education (Assembly Members Medina (Chair), Baker (Vice Chair), Bloom, Chávez, Irwin, Jones-Sawyer, Levine, Linder, Low, Olsen, Santiago, and Weber)

March 8, 2016

An act to amend Sections 66028.6, 67380, 69432.9, 69439, 89226, and 99161.5 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2908, as amended, Committee on Higher Education. Postsecondary education: omnibus.

(1) Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing boards of postsecondary educational institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of specified crimes and noncriminal acts reported to campus police, campus security personnel, campus safety authorities, or designated campus authorities and transmit a report containing a compilation of that information to the Legislative Analyst's Office.

This bill would repeal the requirement that the information be reported to the Legislative Analyst's Office.

(2) The Cal Grant Program establishes the Cal Grant A and Cal Grant B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C award, and the Cal Grant T award under the administration

of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. As part of these eligibility requirements, existing law requires the commission to require that a grade point average be submitted to it electronically for all grade 12 pupils at public schools, including charter schools, each academic year, except for those pupils who, after being notified by October 15 of their grade 12 academic year, have opted out of being deemed a Cal Grant applicant.

This bill would specify that the grade point averages for grade 12 pupils are to be submitted by October 1 of each academic year, and would require that pupils be notified by January 1 of their grade 11 academic year *so* that they can opt out. To the extent that these provisions would impose new duties on local educational agencies and community college districts, they would constitute a state-mandated local program.

(3) Existing law requires the Legislative Analyst's Office to submit a report, containing specified information, to the Legislature on or before April 1, 2015, and a report with more limited information each odd year thereafter, regarding outcomes of the Cal Grant C program.

This bill would require that the report to be submitted on or before April 1, ~~2017, 2018~~, include all of the information required in the April 1, 2015, report. The bill would require the Student Aid Commission, instead of the Legislative ~~Analysts~~ *Analyst's* Office, to submit a report with the more limited information on or before April 1, ~~2019, 2020~~, and on or before April 1 of each ~~odd-numbered~~ *even-numbered* year thereafter.

The bill would also make conforming changes and connect a cross-reference.

(4) *Existing law requires the Legislative Analyst, on or before October 1, 2017, to submit a status update to the Legislature regarding the California State University's implementation of specified provisions of law and an assessment of the extent to which the online programs of the California State University are operating in a manner consistent with legislative intent and statutory requirements.*

This bill would make the deadline for that status update on or before January 1, 2018.

(4)

(5) 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 these statutory provisions.

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

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

1 SECTION 1. Section 66028.6 of the Education Code is
2 amended to read:

3 66028.6. (a) Notwithstanding Section 10231.5 of the
4 Government Code, commencing with the 2012–13 academic year,
5 the regents and the trustees shall annually provide the Legislature,
6 by February 1 of each year, with detailed information regarding
7 expenditures of revenues derived from student fees and uses of
8 institutional financial aid, and shall provide information regarding
9 the systemwide average total cost of attendance per student. For
10 purposes of meeting the requirements of this section, the regents
11 and the trustees may include this information in their respective
12 annual reports on institutional financial aid pursuant to Section
13 66021.1.

14 (b) Notwithstanding Section 10231.5 of the Government Code,
15 the regents and trustees shall each submit a report to the
16 Legislature, by March 1 of each year, describing their respective
17 institution’s compliance with the policies set forth in this article.

18 (c) A report submitted pursuant to this section shall be submitted
19 in compliance with Section 9795 of the Government Code.

20 SEC. 2. Section 67380 of the Education Code is amended to
21 read:

22 67380. (a) Except as provided in subparagraph (C) of
23 paragraph (6), the governing board of each community college
24 district, the Trustees of the California State University, the Board
25 of Directors of the Hastings College of the Law, the Regents of
26 the University of California, and the governing board of any
27 postsecondary educational institution receiving public funds for
28 student financial assistance shall do all of the following:

29 (1) Require the appropriate officials at each campus within their
30 respective jurisdictions to compile records of both of the following:

1 (A) All occurrences reported to campus police, campus security
2 personnel, or campus safety authorities of, and arrests for, crimes
3 that are committed on campus and that involve violence, hate
4 violence, theft, destruction of property, illegal drugs, or alcohol
5 intoxication.

6 (B) All occurrences of noncriminal acts of hate violence reported
7 to, and for which a written report is prepared by, designated campus
8 authorities.

9 (2) Require any written record of a noncriminal act of hate
10 violence to include, but not be limited to, the following:

11 (A) A description of the act of hate violence.

12 (B) Victim characteristics.

13 (C) Offender characteristics, if known.

14 (3) (A) Make the information concerning the crimes compiled
15 pursuant to subparagraph (A) of paragraph (1) available within
16 two business days following the request of any student or employee
17 of, or applicant for admission to, any campus within their respective
18 jurisdictions, or to the media, unless the information is the type of
19 information exempt from disclosure pursuant to subdivision (f) of
20 Section 6254 of the Government Code, in which case the
21 information is not required to be disclosed. Notwithstanding
22 subdivision (f) of Section 6254 of the Government Code, the name
23 or any other personally identifying information of a victim of any
24 crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d,
25 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal
26 Code shall not be disclosed without the permission of the victim,
27 or the victim's parent or guardian if the victim is a minor.

28 (B) For purposes of this paragraph and subparagraph (A) of
29 paragraph (1), the campus police, campus security personnel, and
30 campus safety authorities described in subparagraph (A) of
31 paragraph (1) shall be included within the meaning of "state or
32 local police agency" and "state and local law enforcement agency,"
33 as those terms are used in subdivision (f) of Section 6254 of the
34 Government Code.

35 (4) Require the appropriate officials at each campus within their
36 respective jurisdictions to prepare, prominently post, and copy for
37 distribution on request, a campus safety plan that sets forth all of
38 the following: the availability and location of security personnel,
39 methods for summoning assistance of security personnel, any
40 special safeguards that have been established for particular facilities

1 or activities, any actions taken in the preceding 18 months to
2 increase safety, and any changes in safety precautions expected to
3 be made during the next 24 months. For purposes of this section,
4 posting and distribution may be accomplished by including relevant
5 safety information in a student handbook or brochure that is made
6 generally available to students.

7 (5) Require the appropriate officials at each campus within their
8 respective jurisdictions to report information compiled pursuant
9 to paragraph (1) relating to hate violence to the governing board,
10 trustees, board of directors, or regents, as the case may be. The
11 governing board, trustees, board of directors, or regents, as the
12 case may be, shall, upon collection of that information from all of
13 the campuses within their jurisdiction, make a report containing a
14 compilation of that information available to the general public on
15 the Internet Web site of each respective institution. It is the intent
16 of the Legislature that the governing board of each community
17 college district, the Trustees of the California State University, the
18 Board of Directors of the Hastings College of the Law, the Regents
19 of the University of California, and the governing board of any
20 postsecondary educational institution receiving public funds for
21 student financial assistance establish guidelines for identifying
22 and reporting occurrences of hate violence. It is the intent of the
23 Legislature that the guidelines established by these institutions of
24 higher education be as consistent with each other as possible. These
25 guidelines shall be developed in consultation with the Department
26 of Fair Employment and Housing and the California Association
27 of Human Relations Organizations.

28 (6) (A) Notwithstanding subdivision (f) of Section 6254 of the
29 Government Code, require any report made by a victim or an
30 employee pursuant to Section 67383 of a Part 1 violent crime,
31 sexual assault, or hate crime, as described in Section 422.55 of the
32 Penal Code, received by a campus security authority and made by
33 the victim for purposes of notifying the institution or law
34 enforcement, to be immediately, or as soon as practicably possible,
35 disclosed to the local law enforcement agency with which the
36 institution has a written agreement pursuant to Section 67381
37 without identifying the victim, unless the victim consents to being
38 identified after the victim has been informed of his or her right to
39 have his or her personally identifying information withheld. If the
40 victim does not consent to being identified, the alleged assailant

1 shall not be identified in the information disclosed to the local law
2 enforcement agency, unless the institution determines both of the
3 following, in which case the institution shall disclose the identity
4 of the alleged assailant to the local law enforcement agency and
5 shall immediately inform the victim of that disclosure:

6 (i) The alleged assailant represents a serious or ongoing threat
7 to the safety of students, employees, or the institution.

8 (ii) The immediate assistance of the local law enforcement
9 agency is necessary to contact or detain the assailant.

10 (B) The requirements of this paragraph shall not constitute a
11 waiver of, or exception to, any law providing for the confidentiality
12 of information.

13 (C) This paragraph applies only as a condition for participation
14 in the Cal Grant Program established pursuant to Chapter 1.7
15 (commencing with Section 69430) of Part 42.

16 (b) Any person who is refused information required to be made
17 available pursuant to subparagraph (A) of paragraph (1) of
18 subdivision (a) may maintain a civil action for damages against
19 any institution that refuses to provide the information, and the
20 court shall award that person an amount not to exceed one thousand
21 dollars (\$1,000) if the court finds that the institution refused to
22 provide the information.

23 (c) For purposes of this section:

24 (1) "Hate violence" means any act of physical intimidation or
25 physical harassment, physical force or physical violence, or the
26 threat of physical force or physical violence, that is directed against
27 any person or group of persons, or the property of any person or
28 group of persons because of the ethnicity, race, national origin,
29 religion, sex, sexual orientation, gender identity, gender expression,
30 disability, or political or religious beliefs of that person or group.

31 (2) "Part 1 violent crime" means willful homicide, forcible rape,
32 robbery, or aggravated assault, as defined in the Uniform Crime
33 Reporting Handbook of the Federal Bureau of Investigation.

34 (3) "Sexual assault" includes, but is not limited to, rape, forced
35 sodomy, forced oral copulation, rape by a foreign object, sexual
36 battery, or the threat of any of these.

37 (d) This section does not apply to the governing board of a
38 private postsecondary educational institution receiving funds for
39 student financial assistance with a full-time enrollment of less than
40 1,000 students.

1 (e) This section shall apply to a campus of one of the public
2 postsecondary educational systems identified in subdivision (a)
3 only if that campus has a full-time equivalent enrollment of more
4 than 1,000 students.

5 (f) Notwithstanding any other provision of this section, this
6 section shall not apply to the California Community Colleges
7 unless and until the Legislature makes funds available to the
8 California Community Colleges for the purposes of this section.

9 SEC. 3. Section 69432.9 of the Education Code is amended to
10 read:

11 69432.9. (a) A Cal Grant applicant shall submit a complete
12 official financial aid application pursuant to Section 69433 and
13 applicable regulations adopted by the commission. Each pupil
14 enrolled in grade 12 in a California public school, including a
15 charter school, other than pupils who opt out as provided in
16 subdivision (d), shall be deemed to be a Cal Grant applicant.

17 (b) Financial need shall be determined to establish an applicant's
18 initial eligibility for a Cal Grant award and a renewing recipient's
19 continued eligibility using the federal financial need methodology
20 pursuant to subdivision (a) of Section 69506 and applicable
21 regulations adopted by the commission, and as established by Title
22 IV of the federal Higher Education Act of 1965, as amended (20
23 U.S.C. Secs. 1070 et seq.).

24 (1) "Expected family contribution," with respect to an applicant
25 or renewing recipient, shall be determined using the federal
26 methodology pursuant to subdivision (a) of Section 69506 (as
27 established by Title IV of the federal Higher Education Act of
28 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable
29 rules and regulations adopted by the commission.

30 (2) "Financial need" means the difference between the student's
31 cost of attendance as determined by the commission and the
32 expected family contribution. The calculation of financial need
33 shall be consistent with Title IV of the federal Higher Education
34 Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

35 (3) (A) The minimum financial need required for receipt of an
36 initial and renewal Cal Grant A or C award shall be no less than
37 the maximum annual award value for the applicable institution,
38 plus an additional one thousand five hundred dollars (\$1,500) of
39 financial need.

1 (B) The minimum financial need required for receipt of an initial
2 and renewal Cal Grant B award shall be no less than seven hundred
3 dollars (\$700).

4 (c) (1) The commission shall require that a grade point average
5 be submitted to it for all Cal Grant A and B applicants, except for
6 those permitted to provide test scores in lieu of a grade point
7 average.

8 (2) The commission shall require that a grade point average be
9 submitted to it electronically on a standardized form for all grade
10 12 pupils at public schools, including charter schools, no later than
11 October 1 of each academic year, except for pupils who have opted
12 out as provided in subdivision (d). Social security numbers shall
13 not be included in the information submitted to the commission.
14 However, if the commission determines that a social security
15 number is required to complete the application for financial aid,
16 the school, school district, or charter school may obtain permission
17 from the parent or guardian of the pupil, or the pupil, if he or she
18 is 18 years of age, to submit the pupil's social security number to
19 the commission.

20 (3) The commission shall require that each report of a grade
21 point average include a certification, executed under penalty of
22 perjury, by a school official, that the grade point average reported
23 is accurately reported. The certification shall include a statement
24 that it is subject to review by the commission or its designee.

25 (4) The commission shall adopt regulations that establish a grace
26 period for receipt of the grade point average and any appropriate
27 corrections, and that set forth the circumstances under which a
28 student may submit a specified test score designated by the
29 commission, by regulation, in lieu of submitting a qualifying grade
30 point average.

31 (5) It is the intent of the Legislature that high schools and
32 institutions of higher education certify the grade point averages of
33 their students in time to meet the application deadlines imposed
34 by this chapter.

35 (6) It is the intent of the Legislature that the commission make
36 available to each high school and school district a report identifying
37 all grade 12 pupils within the high school or school district,
38 respectively, who have and have not completed the Free
39 Application for Federal Student Aid or the California Dream Act
40 Application.

1 (d) (1) The school district or charter school shall, no later than
2 January 1 of a pupil’s grade 11 academic year, notify, in writing,
3 each grade 11 pupil and, for a pupil under 18 years of age, his or
4 her parent or guardian that, pursuant to subdivision (a), the pupil
5 will be deemed a Cal Grant applicant unless the pupil opts out
6 within a period of time specified in the notice, which shall not be
7 less than 30 days. The required notice shall indicate when the
8 school will first send grade point averages to the commission and
9 the submission deadline of October 1. The school district or charter
10 school shall provide an opportunity for the pupil to opt out of being
11 automatically deemed a Cal Grant applicant.

12 (2) Until a pupil turns 18 years of age, only a parent or guardian
13 may opt the pupil out. Once a pupil turns 18 years of age, only the
14 pupil may opt himself or herself out and, if prior to the conclusion
15 of the notice period, the pupil may opt in over the prior decision
16 of a parent or guardian to opt out.

17 SEC. 4. Section 69439 of the Education Code is amended to
18 read:

19 69439. (a) For the purposes of this section, the following terms
20 have the following meanings:

21 (1) “Career pathway” has the same meaning as set forth in
22 Section 88620.

23 (2) “Economic security” has the same meaning as set forth in
24 Section 14005 of the Unemployment Insurance Code.

25 (3) “Industry cluster” has the same meaning as set forth in
26 Section 88620.

27 (4) “Long-term unemployed” means, with respect to an award
28 applicant, a person who has been unemployed for more than 26
29 weeks at the time of submission to the commission of his or her
30 application.

31 (5) “Occupational or technical training” means that phase of
32 education coming after the completion of a secondary school
33 program and leading toward recognized occupational goals
34 approved by the commission.

35 (b) A Cal Grant C award shall be utilized only for occupational
36 or technical training in a course of not less than four months. There
37 shall be the same number of Cal Grant C awards each year as were
38 made in the 2000–01 fiscal year. The maximum award amount
39 and the total amount of funding shall be determined each year in
40 the annual Budget Act.

1 (c) The commission may use criteria it deems appropriate in
2 selecting students to receive grants for occupational or technical
3 training and shall give special consideration to the social and
4 economic situations of the students applying for these grants, giving
5 additional weight to disadvantaged applicants, applicants who face
6 economic hardship, and applicants who face particular barriers to
7 employment. Criteria to be considered for these purposes shall
8 include, but are not limited to, all of the following:

- 9 (1) Family income and household size.
10 (2) Student's or the students' parent's household status,
11 including whether the student is a single parent or child of a single
12 parent.
13 (3) The employment status of the applicant and whether the
14 applicant is unemployed, giving greater weight to the long-term
15 unemployed.

16 (d) The Cal Grant C award recipients shall be eligible for
17 renewal of their grants until they have completed their occupational
18 or technical training in conformance with terms prescribed by the
19 commission. A determination by the commission for a subsequent
20 award year that the program under which a Cal Grant C award was
21 initially awarded is no longer deemed to receive priority shall not
22 affect an award recipient's renewal. In no case shall the grants
23 exceed two calendar years.

24 (e) Cal Grant C awards may be used for institutional fees,
25 charges, and other costs, including tuition, plus training-related
26 costs, such as special clothing, local transportation, required tools,
27 equipment, supplies, books, and living expenses. In determining
28 the individual award amounts, the commission shall take into
29 account the financial means available to the student to fund his or
30 her course of study and costs of attendance as well as other state
31 and federal programs available to the applicant.

32 (f) (1) To ensure alignment with the state's dynamic economic
33 needs, the commission, in consultation with appropriate state and
34 federal agencies, including the Economic and Workforce
35 Development Division of the Office of the Chancellor of the
36 California Community Colleges and the California Workforce
37 Investment Board, shall identify areas of occupational and technical
38 training for which students may utilize Cal Grant C awards. The
39 commission, to the extent feasible, shall also consult with
40 representatives of the state's leading competitive and emerging

1 industry clusters, workforce professionals, and career technical
2 educators, to determine which occupational training programs and
3 industry clusters should be prioritized.

4 (2) (A) Except as provided in subparagraph (B), the areas of
5 occupational and technical training developed pursuant to
6 paragraph (1) shall be regularly reviewed and updated at least
7 every five years, beginning in 2012.

8 (B) By January 1, 2016, the commission shall update the priority
9 areas of occupational and technical training.

10 (3) (A) The commission shall give priority in granting Cal
11 Grant C awards to students pursuing occupational or technical
12 training in areas that meet two of the following criteria pertaining
13 to job quality:

14 (i) High employer need or demand for the specific skills offered
15 in the program.

16 (ii) High employment growth in the occupational field or
17 industry cluster for which the student is being trained.

18 (iii) High employment salary and wage projections for workers
19 employed in the occupations for which they are being trained.

20 (iv) The occupation or training program is part of a
21 well-articulated career pathway to a job providing economic
22 security.

23 (B) To receive priority pursuant to subparagraph (A), at least
24 one of the criteria met shall be specified in clause (iii) or (iv) of
25 that subparagraph.

26 (g) The commission shall determine areas of occupational or
27 technical training that meet the criteria described in paragraph (3)
28 of subdivision (f) in consultation with the Employment
29 Development Department, the Economic and Workforce
30 Development Division of the Office of the Chancellor of the
31 California Community Colleges, and the California Workforce
32 Investment Board using projections available through the Labor
33 Market Information Data Library. The commission may supplement
34 the analyses of the Employment Development Department's Labor
35 Market Information Data Library with the labor market analyses
36 developed by the Economic and Workforce Development Division
37 of the Office of the Chancellor of the California Community
38 Colleges and the California Workforce Investment Board, as well
39 as the projections of occupational shortages and skills gap
40 developed by industry leaders. The commission shall publish, and

1 retain, on its Internet Web site a current list of the areas of
2 occupational or technical training that meet the criteria described
3 in paragraph (3) of subdivision (f), and update this list as necessary.

4 (h) Using the best available data, the commission shall examine
5 the graduation rates and job placement data, or salary data, of
6 eligible programs. Commencing with the 2014–15 academic year,
7 the commission shall give priority to Cal Grant C award applicants
8 seeking to enroll in programs that rate high in graduation rates and
9 job placement data, or salary data.

10 (i) (1) The commission shall consult with the Employment
11 Development Department, the Office of the Chancellor of the
12 California Community Colleges, the California Workforce
13 Investment Board, and the local workforce investment boards to
14 develop a plan to publicize the existence of the grant award
15 program to California’s long-term unemployed to be used by those
16 consulting agencies when they come in contact with members of
17 the population who are likely to be experiencing long-term
18 unemployment. The outreach plan shall use existing administrative
19 and service delivery processes making use of existing points of
20 contact with the long-term unemployed. The local workforce
21 investment boards are required to participate only to the extent
22 that the outreach efforts are a part of their existing responsibilities
23 under the federal Workforce Investment Act of 1998 (Public Law
24 105-220).

25 (2) The commission shall consult with the Workforce Services
26 Branch of the Employment Development Department, the Office
27 of the Chancellor of the California Community Colleges, the
28 California Workforce Investment Board, and the local workforce
29 investment boards to develop a plan to make students receiving
30 awards aware of job search and placement services available
31 through the Employment Development Department and the local
32 workforce investment boards. Outreach shall use existing
33 administrative and service delivery processes making use of
34 existing points of contact with the students. The local workforce
35 investment boards are required to participate only to the extent
36 that the outreach efforts are a part of their existing responsibilities
37 under the federal Workforce Investment Act of 1998 (Public Law
38 105-220).

39 (j) (1) The Legislative Analyst’s Office shall submit a report
40 to the Legislature on the outcomes of the Cal Grant C program on

1 or before April 1, ~~2017~~. 2018. This report shall include, but not
2 necessarily be limited to, information on all of the following:

3 (A) The age, gender, and segment of attendance for recipients
4 in two prior award years.

5 (B) The occupational and technical training program categories
6 prioritized.

7 (C) The number and percentage of students who received
8 selection priority as defined in paragraph (3) of subdivision (f).

9 (D) The extent to which recipients in these award years were
10 successfully placed in jobs that meet local, regional, or state
11 workforce needs.

12 (2) For the report submitted pursuant to paragraph (1), the
13 Legislative Analyst's Office shall include data for two additional
14 prior award years and shall compare the mix of occupational and
15 technical training programs and institutions in which Cal Grant C
16 award recipients enrolled before and after implementation of
17 subdivision (f).

18 (3) Notwithstanding Section 10231.5 of the Government Code,
19 the commission shall submit a report to the Legislature on or before
20 April 1, ~~2019~~, 2020, and on or before April ~~1st~~ 1 of each
21 ~~odd-numbered~~ *even-numbered* year thereafter, that includes the
22 information specified in paragraph (1).

23 (4) A report to be submitted pursuant to this subdivision shall
24 be submitted in compliance with Section 9795 of the Government
25 Code.

26 *SEC. 5. Section 89226 of the Education Code is amended to*
27 *read:*

28 89226. (a) On or before January 1, 2017, and on or before
29 January 1 every two years thereafter, the trustees shall report to
30 the Legislature key performance data on online courses as defined
31 in Section 89225, including, but not necessarily limited to, all of
32 the following:

33 (1) The number of students enrolled at each campus.

34 (2) Course completion rates for courses other than online
35 courses.

36 (3) Completion rates for degree programs that include no online
37 courses.

38 (4) Grade point average for students enrolled in online courses.

1 (5) The number of students cross-enrolled in online courses at
2 a California State University campus other than the campus at
3 which they are matriculated.

4 (6) Course completion rates for students enrolled in online
5 courses.

6 (7) Completion rates for degree programs that include online
7 courses.

8 (b) (1) On or before January 1, 2017, the trustees shall report
9 to the Legislative Analyst the key performance data described in
10 subdivision (a).

11 (2) On or before ~~October 1, 2017~~, *January 1, 2018*, the
12 Legislative Analyst shall submit a status update to the Legislature
13 regarding the California State University’s implementation of the
14 provisions of the bill that added this section and an assessment of
15 the extent to which the online programs of the California State
16 University are operating in a manner consistent with legislative
17 intent and statutory requirements.

18 (c) Student enrollment and completion rate data included in a
19 report to be submitted pursuant to this section shall be made
20 available by demographics, including age, gender, and ethnicity.

21 (d) (1) The requirement for submitting a report imposed under
22 subdivision (a) is inoperative on July 1, 2021, pursuant to Section
23 10231.5 of the Government Code.

24 (2) The report prepared pursuant to subdivision (a) shall be
25 submitted in compliance with Section 9795 of the Government
26 Code.

27 ~~SEC. 5.~~

28 *SEC. 6.* Section 99161.5 of the Education Code is amended to
29 read:

30 99161.5. (a) (1) The test sponsor of the Law School Admission
31 Test shall provide testing accommodations to a test subject with
32 a disability who makes a timely request to ensure that the Law
33 School Admission Test accurately reflects the aptitude,
34 achievement levels, or other factors that the test purports to
35 measure and does not reflect the test subject’s disability. This
36 paragraph does not constitute a change in, but is declaratory of,
37 existing law.

38 (2) The process for determining whether to grant an
39 accommodation under paragraph (1) shall be made public, and the
40 decision whether or not to approve a request for an accommodation

1 shall be conveyed to the requester within a reasonable amount of
2 time. If the test sponsor of the Law School Admission Test does
3 not approve a request for accommodation, the test sponsor shall
4 state the reasons for the denial of the request to the requester in
5 writing.

6 (3) The test sponsor of the Law School Admission Test shall
7 establish a timely appeals process for a test subject who is denied
8 an accommodation request. The test sponsor of the Law School
9 Admission Test shall clearly post on the Law School Admission
10 Test Internet Web site information regarding refund policies for
11 individuals whose requests for accommodation are denied.

12 (b) Whenever a test subject has received formal testing
13 accommodations from a postsecondary educational institution for
14 a disability as defined in subdivision (j), (m), or (n) of Section
15 12926 of the Government Code, the test sponsor of the Law School
16 Admission Test shall, consistent with existing law, give
17 considerable weight to documentation of past modifications,
18 accommodations, or auxiliary aids or services received by the test
19 subject in similar testing situations when determining whether to
20 grant an accommodation to the test subject.

21 (c) (1) The test sponsor of the Law School Admission Test
22 shall not notify a test score recipient that the score of any test
23 subject was obtained by a subject who received an accommodation
24 pursuant to this section.

25 (2) The test sponsor of the Law School Admission Test shall
26 not withhold any information that would lead a test score recipient
27 to deduce that a score was earned by a subject who received an
28 accommodation pursuant to this section.

29 (3) This subdivision does not constitute a change in, but is
30 declaratory of, existing law.

31 (d) This section shall not be construed to limit or replace any
32 other right or remedy that exists under state or federal law.

33 (e) This section shall not provide greater protections to persons
34 with disabilities than those provided by Section 51 of the Civil
35 Code.

36 ~~SEC. 6.~~

37 *SEC. 7.* If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O