

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 176

Introduced by Assembly Member Bonta

January 26, 2015

An act to add Section 66027.1 to the Education Code, and to amend Section 8310.7 of the Government Code, relating to data collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 176, as amended, Bonta. Data collection.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for specified Asian groups and Pacific Island groups, and requires a state agency, board, or commission to include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of California residents that it publishes or releases. Existing law requires specified agencies to use additional separate collection categories and other tabulations for major Asian groups and Native Hawaiian and other Pacific Islander groups, and also requires those agencies to take additional actions, including, among other things, posting, and annually updating, the demographic data collected on their Internet Web sites, and updating the reporting categories to reflect these Asian and Pacific Islander groups as they are reported for the 2020 census.

This bill would add the State Department of Public Health to the list of agencies that are required to use the additional separate collection categories and other tabulations, and to take additional actions as specified above, including posting the demographic data collected on

its Internet Web site. It would also require the updating of the reporting categories for future decennial censuses.

This bill ~~would~~ *would, on and after July 1, 2016,* require the Board of Governors of the California Community Colleges, the Trustees of the California State University, *and* the Regents of ~~the University of California, and each campus of the California Community Colleges, the California State University, and the University of California,~~ whenever ~~they~~ *those entities* collect demographic data as to the ancestry or ethnic origin of students, ~~to use specified collection categories and tabulations for each major Asian group and each major Pacific Island group, as specified, and to include that data using those categories in every demographic report on ancestry or ethnic origins of students.~~ *students for a report that includes student admission, enrollment, completion, or graduation rates, to use specified collection and tabulation categories for Asian, Native Hawaiian, and Pacific Islander groups, as specified.* The bill would require ~~the data collected to be made~~ *each entity specified above to make the demographic data* publicly available by posting the data ~~by those categories~~ on the applicable ~~campus or~~ entity’s Internet Web site and would require the updating of the reporting categories for each decennial census. The bill would specify that the bill’s provisions would be applicable to the University of California only if the Regents of the University of California, by resolution, make the provisions applicable.

To the extent the bill would impose additional requirements on community colleges, 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 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 66027.1 is added to the Education Code,
- 2 to read:

1 66027.1. (a) ~~Whenever~~ *On or after July 1, 2016, whenever*
2 *the Board of Governors of the California Community Colleges,*
3 *the Trustees of the California State University, or the Regents of*
4 *the University of California, or any campus of the California*
5 *Community Colleges, the California State University, and the*
6 *University of California collects demographic data as to the*
7 *ancestry or ethnic origin of students, separate collection categories*
8 *and tabulations shall be used for students for a report that includes*
9 *student admission, enrollment, completion, or graduation rates,*
10 *the entity shall use separate collection categories and tabulations*
11 *in accordance with the following:*

12 (1) ~~Each major Asian group, including, but not limited to, Asian~~
13 ~~Indian, Bangladeshi, Cambodian, Chinese, Filipino, Hmong,~~
14 ~~Indonesian, Japanese, Korean, Laoatian, Malaysian, Pakistani, Sri~~
15 ~~Lankan, Taiwanese, Thai, and Vietnamese.~~

16 (2) ~~Each major Pacific Island group, including, but not limited~~
17 ~~to, Fijian, Guamanian, Hawaiian, Samoan, and Tongan.~~

18 (3) ~~The data collected as provided in this subdivision shall be~~
19 ~~included in every demographic report on ancestry or ethnic origins~~
20 ~~of students that is published or released by the applicable campus~~
21 ~~or entity on or after July 1, 2016.~~

22 (1) *No later than 18 months after a decennial United States*
23 *Census is released to the public, each entity shall use the collection*
24 *and tabulation categories for Asian, Native Hawaiian, and Pacific*
25 *Islander groups as they are reported by the United States Census*
26 *Bureau.*

27 (2) *Until the release of the next decennial United States Census*
28 *following the enactment of this section, each entity shall use the*
29 *collection and tabulation categories for Asian, Native Hawaiian,*
30 *and Pacific Islander groups that the entity used as of January 1,*
31 *2015.*

32 (3) *Each entity shall observe current standards regarding*
33 *compliance with the Family Educational Rights and Privacy Act*
34 *and shall observe criteria for ensuring statistical significance of*
35 *data collected and published.*

36 (b) ~~Data collected as~~ *Each entity shall make the demographic*
37 *data specified in subdivision (a) shall be made publicly available,*
38 *except for personal identifying information, which shall be deemed*
39 *confidential, by posting the data on the applicable entity's Internet*
40 *Web site of the applicable campus or entity by July 1, 2016, and*

1 shall ~~be updated~~ *update the data* annually thereafter. This
2 subdivision shall not be construed to prevent any other state agency
3 from posting data collected as specified in subdivision (a) on the
4 *state* agency's Internet Web site, in a manner prescribed by this
5 section or Section 8310.5 or 8310.7 of the Government Code.

6 ~~(e) Each entity and campus specified in subdivision (a) shall,~~
7 ~~within 18 months after a decennial United States Census is released~~
8 ~~to the public, update their data collection to reflect the Asian groups~~
9 ~~and Native Hawaiian and Pacific Islander groups as they are~~
10 ~~reported by the United States Census Bureau.~~

11 *(c) As used in this section, "entity" means the Board of*
12 *Governors of the California Community Colleges, the Trustees of*
13 *the California State University, and the Regents of the University*
14 *of California.*

15 (d) The provisions of this section shall apply to the University
16 of California only if the Regents of the University of California,
17 by resolution, make it applicable.

18 SEC. 2. Section 8310.7 of the Government Code is amended
19 to read:

20 8310.7. (a) This section shall only apply to the following state
21 agencies:

- 22 (1) The Department of Industrial Relations.
- 23 (2) The Department of Fair Employment and Housing.
- 24 (3) The State Department of Public Health.

25 (b) In addition to the duties imposed under Section 8310.5, the
26 state agencies described in subdivision (a), in the course of
27 collecting demographic data directly or by contract as to the
28 ancestry or ethnic origin of California residents, shall collect and
29 tabulate data for the following:

30 (1) Additional major Asian groups, including, but not limited
31 to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri
32 Lankan, Taiwanese, and Thai.

33 (2) Additional major Native Hawaiian and other Pacific Islander
34 groups, including, but not limited to, Fijian and Tongan.

35 (c) The state agencies identified in subdivision (a) shall make
36 any data collected pursuant to subdivision (b) publicly available,
37 except for personal identifying information, which shall be deemed
38 confidential, by posting the data on the Internet Web site of the
39 agency on or before July 1, 2012, and annually thereafter, except
40 for the State Department of Public Health, which shall post the

1 data on its Internet Web site by July 1, 2016, and annually
2 thereafter. This subdivision shall not be construed to prevent any
3 other state agency from posting data collected pursuant to
4 subdivision (b) on the agency's Internet Web site, in the manner
5 prescribed by this section.

6 (d) The state agencies identified in subdivision (a) shall, within
7 18 months after a decennial United States Census is released to
8 the public, update their data collection to reflect the additional
9 Asian groups and additional Native Hawaiian and Pacific Islander
10 groups as they are reported by the United States Census Bureau.

11 SEC. 3. If the Commission on State Mandates determines that
12 this act contains costs mandated by the State, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.