

Date of Hearing: July 2, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 1348 (Bradford) – As Amended May 20, 2024

SENATE VOTE: 33-0

SUBJECT: Postsecondary education: California Black-Serving Institutions Program

SUMMARY: Establishes the California Black-Serving Institutions program for the purpose of designating California colleges and universities as “California Black-Serving Institutions.”

Specifically, **this bill:**

- 1) Establishes the California Black-Serving Institutions program and authorizes the program to designate campuses that excel at providing academic resources to Black and African American students. In order for a campus to be designated as a “California Black-Serving Institution,” a college or university must have the following:
 - a) A population of Black and African American students of at least 10% of the college or university’s student body or have at least 1,500 students who identify as Black and African American; and,
 - b) Submitted an application that demonstrates the following:
 - i) A student success plan for Black and African American that is consistent with the college or university’s mission and a demonstration in writing of the allocation of resources that will be used to ensure the student success plan can be implemented;
 - ii) Certification of a commitment to address Black and African American student success that is consistent with the college or university’s mission. The certification will be in writing and will be certified by the chief administrative officer of the campus; and,
 - iii) Key performance indicators of Black and African American student success to be achieved during the five-years the college or university has the designation.
 - iv) A four-year college or university applying for the designation will also submit the graduation rates for the previous three academic years for all students and for the Black and African American students within the normal time and 150% of normal time to degree completion.
 - v) A community college applying for the designation will also submit the following:
 - (1) The number of degree and certificate programs completed by all students, and by Black and African American students for the previous three years;
 - (2) The number of all students and Black and African American students who completed a degree and certificate within normal time and 150% of the normal time to degree completion for the previous three years; and,

- (3) The student transfer rates to four-year universities for all students and Black and African American students for the previous three years.
- 2) Clarifies the a college or university who receives the California Black-Serving Institutions designation will have the designation for five years and will then be required to submit a renewal application. The renewal will last for another five years and to qualify, a college or university, will submit an application with the following:
 - a) Satisfaction of (1) (a-b) of this analysis for the five-year period for which the renewal is valid; and,
 - b) A statement of progress on achievement of the key performance indicators as provided by the college or university during the five-year period the institution had the California Black-Serving Institutions designation.
- 3) Makes various findings and declarations regarding the need to support Black and African American students at postsecondary education institutions in order to address historical inequities and the importance of Historically Black Colleges and Universities.

EXISTING LAW:

- 1) Establishes the University of California (UC) as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9) (a) of the California Constitution).
- 2) Constitutes the Donahoe Higher Education Act to establish the definition and missions of the California Community Colleges (CCC), California State University (CSU), and the UC. Establishes the definition and mission of independent institutions of higher education as nonpublic higher education institutions who are considered nonprofits and are accredited by an agency recognized by the United States Department of Education to confer undergraduate degrees, graduate degrees, or both (Education Code (EDC) Section 66010, et seq.).
- 3) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system (EDC Sections 66606 and 89000 et. Seq.).
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (EDC Section 70900).
- 5) Establishes the Center for African-American Educational Excellence and Achievement and states the Center will be located at the California State University, Dominguez Hills. The purpose and mission of the Center will further the education of students and to develop pedagogical materials, procedures, and programs designed to increase the learning skills of African-Americans. An advisory board will be appointed by the Chancellor of the CSU to recommend goals, objectives, and priorities for the Center (EDC Section 89430-89436).

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS: *Need for the measure.* According to the author, “this bill would create a state-level designation recognizing colleges and universities in California that are making significant commitments to enhancing Black student success. Historically, Black students are underrepresented on college campuses. The statistics for Black college student achievement are deeply concerning. National data shows Black student enrollment declined by 22 percent in the last decade. Black students are more likely to delay attending college after high school, attend part-time, and take on greater student debt, but less likely to earn a degree. However, there are colleges and universities in California that are distinguishing themselves through their investment in and commitment to Black student success and this bill would recognize them and encourage others to similarly lean in on this issue.”

Minority-Serving Institutions. The concept of a minority-serving institution was established in the wake of the Civil Rights Act of 1964 as a tool to provide educational equity to institutions who were serving predominately underrepresented groups in higher education. Originally comprised of Historically Black Colleges and Universities (HBCU) and Tribal Colleges and Universities, the term has been expanded by amendments to the Federal Higher Education Act of 1965 to include Predominately Black Institutions (PBI), Hispanic-Serving Institutions (HSI), Asian American, Native American, and Pacific Islander-Serving Institution Program (ANNAPISI), and Alaska Native-Serving and Native Hawaiian-Serving Institutions (ANNH).¹ Once a postsecondary institution receives one of the above designations as a Minority-Serving Institution, the institution would then qualify to apply for competitive grants and additional federal funding. The minimum qualifications to receive a designation is as follows:

- 1) Be an accredited two –year or four –year higher education institution contained within the United States of America;
- 2) Have an enrollment of needy students, which is defined as either having 50% of the student population receiving federal financial assistance, or at least half of the student population is attending part-time and receiving Federal Pell Grants; and,
- 3) Have an average educational expenditure that is low per full-time equivalent undergraduate students in comparison with the average educational and general expenditures per full-time students when compared to similar postsecondary education institutions.²

Determining which distinction the postsecondary education institution will receive is relegated to the population the institution serves, see the chart below.

Minority-Serving Designation	Additional Requirements (Enrollment or Codified Definitions)	Number of qualifying institution in California in 2024
HBCU or HBGI	Based on date established not enrollment. Defined in the	California has one Historically Black Graduate

¹ <https://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>

² [eligibility-infographic.pdf \(ed.gov\)](#)

	Federal Higher Education Act of 1965.	University: Charles Drew University of Medicine and Science.
Tribal Colleges and Universities	Institutions who are formally contracted or have been sanctioned or chartered by the governing body of a Native American tribe.	There are three in California.
ANNAPISI	At least, 10% of the student population must identify as Asian American, Native American, and Pacific Islander	In 2024, there are 65 public colleges and universities and 21 private colleges and universities that qualify in California.
PBI	At least, 40% of the student population (and at least 1,000 students) must identify as Black and African American	Los Angeles Southwest College qualified in 2024 as a PBI.
HSI	At least 25% of the student population must identify as Hispanic.	In 2024, 122 public colleges and universities and 38 private colleges and universities that qualify in California.

Source: U.S. Department of Education eligibility matrix 2024.³

In 2018, the American Council on Education published a report entitled “Minority-Serving Institution (MSI) as Engines of Upward Mobility.”⁴ The report found that MSI provide educational equity and close achievement gaps as, “across all MSI types, four-year MSIs propel more students from the lowest income quintile to the top income quintile than four-year non-MSIs. HSIs in particular had a mobility rate three times that of non-MSIs (4.3% compared to 1.5%). The mobility rate at Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs), PBIs, and HBCUs was double that of non-MSIs.”

California’s population is diverse with “40% of Californians are Latino, 35% are white, 15% are Asian American or Pacific Islander, 5% are Black, 4% are multiracial, and less than 1% are Native American or Alaska Natives, according to the 2022 American Community Survey.”⁵ Despite this diversity, it is difficult for colleges and universities to qualify for the federal designations of a PBI, even Los Angeles Southwest College required a waiver as its student population was 38% Black and African American.

³ <https://www2.ed.gov/about/offices/list/ope/itudes/2024eligibilitymatrix.xlsx>

⁴ <https://www.acenet.edu/Documents/MSIs-as-Engines-of-Upward-Mobility.pdf>

⁵ <https://www.ppic.org/publication/californias-population/>

SB 1348 (Bradford) would provide an avenue by which California colleges and universities could receive a state designation for serving a larger Black and African American population more aligned with the population of the state. SB 1348 (Bradford) unlike the federal distinctions, would not primarily focus on enrolled, but rather on the student equity plan created by the institutions to focus on Black and African American Achievement.

The State of Higher Education for Black and African American students. In February 2021, the Campaign for College Opportunity published, “The State of Higher Education for Black Californians.”⁶ The report contained the following data points:

- 60% of Black and African American high school graduates are not prepared by their high schools to meet the A-G course requirements for admission to the UC and CSU;
- Only 60% of Black and African American students are enrolling in college within a year of completing high school;
- Only one-third of Black and African American community college students earn a certificate or degree, transfer to a four-year institution, or are transfer-prepared within six years;
- Black and African American students make up only 4% of the CSU undergraduate student body and 2.5% of the UC’s undergraduate population, despite accounting for 6% of the state’s 18-to-24-year old population;
- The gap in four-year graduation rates between Black students and white students at the CSU has increased from 21% to 25%; and,
- The four-year graduation rates at the UC are roughly 20% lower for Black UC students than their White peers.⁶

SB 1348 (Bradford) seeks to provide an incentive to colleges and universities to focus on closing the academic achievement gaps between Black and African American students and their peers by granting colleges and institutions a designation of a California Black-Serving Institution.

In 2024, the American Civil Liberties Union published the “State of Black Education California Report Card” which used qualitative and quantitative data to examine the equity gaps and how to provide educational equity and justice for Black and African American students.⁷ While primarily focused on K-12 education, the report card found that 55% of high school students who identify as Black and African American went to college compared to 68% of their White-identifying peers.

SB 1348 (Bradford) fulfills one of the recommendations from the report card which is to provide state oversight and accountability to close the achievement gaps. This measure would require qualifying colleges and universities to provide data on retention rates, time-to-degree, and graduation rates. Committee Staff understands it is the intent of the author is to have the

⁶ <https://collegecampaign.org/publication/2021-state-of-higher-education-for-black-californians>

⁷ [5-22-24 SoBE Tree Report Card \(aclualaction.org\)](#)

designation of a California Black Serving Institution to be provided to those institutions who continually address achievement gaps and endeavor to provide a more inclusive environment for Black and African American students. Furthermore, the ACLU report card encouraged the Legislature to look for explore legislative solutions that would support Black and African American students, in a manner consent with Proposition 209.

Affirmative Action and Proposition 209. In the United States, affirmative action is an effort introduced by the Federal Government to improve and increase employment and educational opportunities for minority groups. While used in all areas of government policy and contracting, affirmative action is most colloquially associated with college and university admissions, where admission quotas based on race were used to increase diversity and to establish equitable access to educational opportunities.

In 1996, the California voters established Proposition 209, which banned the use of preferential treatment by State and other public entities. Since 1996, the use of affirmative action has been prohibited by the State Constitution in California. In the Legislative Analyst Office’s ballot description of Proposition 209 (1996), provided the following examples of affirmative action program, “public colleges and university programs such as scholarship, tutoring, and outreach that are targeted toward minority or women students.”⁸

SB 1348 (Bradford) stipulates that in order for a college or university to qualify for the designation of a “California Black-Serving Institution” the postsecondary institution must have “outreach programs and services that demonstrate a commitment to Black and African American student success.” SB 1348 (Bradford) also requires colleges or universities who elect to apply for the designation to allocate resources to implement a Black and African American student success plan that is consistent with the college or university’s mission.

The Committee may wish to consider whether the provision of this bill could be interpreted to be a violation of Proposition 209.

In June 2023, the United States Supreme Court ruled on two cases, *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023) and the companion case *Students for Fair Admissions v. North Carolina*.⁹ The ruling stated affirmative action in admission decision is unconstitutional and the majority opinion concurred that Title VI of the Civil Rights Act bars affirmative action. The court ruling primarily focused on the use of affirmative action as a tool for admissions to a college or university.

SB 1348 (Bradford) provides a tool colleges and universities can use to increase diversity in admissions without the use of affirmative action. Providing the designation of a “California Black-Serving Institution,” would allow colleges and universities to market the inclusivity and academic support dedicated to Black and African American students; which in turn could increase the enrollment of Black and African American students and close academic equity gaps.

Arguments in support. According to the Campaign for College Opportunity, “SB 1348, the California Black-Serving Institutions Program Act of 2024 would establish a state-level designation to recognize institutions of higher education that excel in educating and serving

⁸ https://lao.ca.gov/ballot/1996/prop209_11_1996.html

⁹ https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf

Black students who are historically underrepresented on college campuses. This recognition will help to ensure that colleges and universities strive to go beyond enrollment and more intentionally serve Black students to become institutions where they thrive. The legislation acknowledges the historical and ongoing challenges faced by Black students in accessing and succeeding in higher education. By requiring eligible institutions to meet specific criteria, including the representation of Black students in the student body and the implementation of programs and services tailored to their needs, SB 1348 aims to foster environments that support the academic success and holistic development of these students. This designation will simultaneously uplift exemplary colleges with a proven track record of supporting Black students, while providing prospective students with a public indicator of a college's demonstrated values and proven commitment to supporting Black students in reaching their college dreams.”

The California State University, further explains the need for SB 1348 (Bradford), because “last year, the CSU established the California State University Black Student Success workgroup, which published the Advancing Black Student Success and Elevating Black Excellent report. The report outlined thirteen different recommendations designed to reform and grow programs needed to advance Black student success. The CSU and our universities are currently implementing those recommendations. Many of these recommendations also align with the requirements outlined in SB 1348. This measure supports the CSU's commitment to implement programs and policies that focus on Black student outreach, recruitment, enrollment, persistence, success, and graduation.”

Committee comments. SB 1348 (Bradford) would create precedence by establishing the first in the nation, state designation of a Black-Serving Institution. SB 1348 (Bradford) would designate qualified colleges and universities who do the following:

- 1) Have a Black and African American student population of either 1,500 students or who equate 10% of the campus population; and,
- 2) Meet the requirements of the bill of having designated resources and a strategic plan to promote Black and African American student success.

Based the enrollment requirements alone, the latest enrollment figures available show that 20 CCC,¹⁰ three CSU campuses,¹¹ and four UC campuses¹² would qualify as the campuses either have 1,500 students who identify as Black and African American or 10 % of the student population identifies as Black and African American.

Unlike the federal Minority – Serving Institution designation, SB 1348 (Bradford) would require the institutions, who apply for the designation, to develop a strategic plan to address Black and African American student success on campus. These strategic plans include identifying key performance indicators for improvement (academic goals) for the institution to meet in order to qualify for a renewal of the designation. Many institutions already have an equity or strategic

¹⁰ https://datamart.cccco.edu/Students/Student_Headcount_Term_Annual.aspx

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https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no

¹² <https://www.universityofcalifornia.edu/about-us/information-center/fall-enrollment-glance>

plans for how to improve the retention and graduation rates of all students on campus while also closing equity gaps between Minority groups and their White peers.

The measure does not identify the body that will designate the colleges and universities as California Black-Serving Institution. Nor is the bill prescriptive on how the colleges and universities are to apply, receive, and maintain the designation once it is received.

To address these concerns, the Committee has suggested and the author has agreed to the following amendments, which will preserve the author's intent and provide structure to the designation process:

1) Repeal Education section 66076, 66076.1, and 66076.2 from the bill.

2) Adds Education Code Section 66076 as follows:

66076. The designation of a California Black-Serving Institution is established to recognize colleges and universities in California that excel at providing academic resources to Black and African American students enrolled in degree or certificate programs offered by the colleges or universities. The designation of a California Black-Serving Institutions shall be awarded to a college or university by a two – thirds vote of the California Black-Serving Institution governing board established pursuant to Section 66076.4.

3) Adds Education Code Section 66076.1 as follows:

66076.1 As used in this article, the following definitions apply:

(a) "College or university" means a campus of the University of California, California State University, or a California Community College, or an independent institution of higher education, as defined in Section 66010.

(b) "Normal time" means the time it would take a full-time student to complete the requirements for a degree, or certificate as offered by a two-year or four-year college or university.

(c) "Managing entity" means the California State University Statewide Central office for Advancement of Black Excellence" that is responsible for Section 66076.3.

(d) "Governing board" means the California Black-Serving Institution governing board established in Section 66076.4

4) Adds Education Code Section 66076.2 as follows:

66076.2 (a) A college or university may be considered as qualifying for the initial designation of California-Black Serving Institution if the following has occurred:

(1) The college or university has at least 10 percent of the college or university enrolled student population identifying as Black and African American students, or has at least 1,500 Black and African American students enrolled at the college or university.

(2) The college or university has submitted an initial or renewal application to the managing entity by the deadline established by the managing entity pursuant to 66076.3

(b) The initial application for designation as a California Black-Serving Institution, shall require the following of a college or university:

(1) A certification, in writing, by the chief administrative officer of the college or university, of a commitment to address Black and African American student success that is consistent with the college's or university's mission.

(2) A mission statement, in the strategic plan, that addresses its commitment to serve Black and African American students.

(3) Academic goals to be attained in the next five academic years, created by the college or university based on improving retention, time – to- degree or certificate, and graduation rates, as provided by paragraph (6) or (7), for Black and African American students during the five-year period for which the college's or university's program designation is valid.

(4) Academic equity goals to be attained in the next five academic years, if applicable, created by the college or university to reduce the academic equity gaps between Black and African American students and the college's or university's student population based on data provided by the college or university in paragraphs paragraph (6) or (7). It is the intent of the Legislature that the academic equity goals reduce the equity gaps in the retention, time-to-degree or certificate and graduation rates of Black and African American students when compared to the overall student population as provided by paragraphs (6) or (7).

(5) A strategic plan for the subsequent five academic years of how the college or university intends to meet the academic and equity goals listed in paragraphs (3) and (4). The strategic plan shall include, but not limited to all of the following:

(A) Outreach services to Black and African American students to encourage their enrollment in the college or university.

(B) Academic and basic needs support services to assist in the academic success of Black and African American students. Support services may include campus affinity centers and corequisite coursework or concurrent support activities.

(C) An outline of the planned allocation of resources for the subsequent five academic years to ensure that the plan described in paragraph (5) can be implemented.

(6) A four-year college or university applicant shall provide, in its program application, graduation rates for the previous three academic years for all students, and for Black and African American students, within the normal time and up to 150 percent of normal time to degree completion yield, retention, and graduation rate.

(7) A community college campus shall provide, in its program application, all of the following for the previous three academic years:

(A) The number of degree and certificate programs completed by all students, and by Black and African American students.

(B) The number of all students, and of Black and African American students, who completed degree and certificate programs within normal time and up to 300 percent of normal time to degree completion yield, retention, and graduation rate.

(C) The student transfer rates for all students, and for Black and African American students, to four-year colleges and universities.

(8) A description of campus resources to promote a campus of equity and inclusion for Black and African American students.

(c) Upon receipt of a designation of a California Black-Serving Institutions from an initial application, a college or university will be in receipt of the designation for five academic years. After five academic years, a college or university may submit a renewal application for a renewal of the designation of a California Black-Serving Institution.

(d) To apply for a renewal of the designation of a California Black-Serving Institution for a subsequent five academic years, a college or university shall submit to the managing entity a renewal application. The renewal application shall include the following information:

(1) The initial application or the previous renewal application.

(2) Demonstration of the progress to attain the academic and equity goals set by the college or university in the application submitted pursuant to paragraph (1).

(3) Demonstration of the progress to implement the strategic plan provided by the college or university in the application submitted pursuant to paragraph (1).

(4) Any changes made by the college or university to the following items listed in the application submitted pursuant to paragraph (1).

(A) The mission statement, in the strategic plan, that addresses its commitment to serve Black and African American students, submitted by the college or university.

(B) The description of campus resources to promote a campus of equity and inclusion for Black and African American students.

(5) A certification, in writing, by the chief administrative officer of the college or university, of the college's and university's continual commitment to address Black and African American student success that is consistent with the college's or university's mission.

(6) Academic goals to be attained in the next five academic years, created by the college or university based on improving retention, time – to- degree or certificate, and graduation rates, as provided by paragraph (9) or (10), for Black and African American students during the five-year period for which the college's or university's program designation is valid.

(7) Academic equity goals to be attained in the next five academic years, if applicable, created by the college or university to reduce the academic equity gaps between Black and African American students and the college's or university's student population based on data provided by the college or university in paragraphs paragraph (8) or (9). It is the intent of the Legislature that the academic equity goals reduce the equity gaps in the retention, time-

to-degree or certificate and graduation rates of Black and African American students when compared to the overall student population as provided by paragraphs (8) or (9).

(8) A strategic plan for the next five academic years of how the college or university intends to meet the academic and equity goals listed in paragraphs (6) and (7). The strategic plan shall include, but not limited to:

(A) Outreach services to Black and African American students to encourage their enrollment in the college or university.

(B) Academic and basic needs support services to assist in the academic success of Black and African American students. Support services may include campus affinity centers and corequisite coursework or concurrent support activities.

(C) An outline of the planned allocation of resources for the subsequent five academic years to ensure that the plan described in paragraph (7) can be implemented.

(9) A four-year college or university applicant shall provide, in its program application, graduation rates for the previous five academic years for all students, and for Black and African American students, within the normal time and up to 150 percent of normal time to degree completion yield, retention, and graduation rate.

(10) A community college campus shall provide, in its program application, all of the following for the previous five academic years:

(A) The number of degree and certificate programs completed by all students, and by Black and African American students.

(B) The number of all students, and of Black and African American students, who completed degree and certificate programs within normal time and up to 300 percent of normal time to degree completion yield, retention, and graduation rate.

(C) The student transfer rates for all students, and for Black and African American students, to four-year colleges and universities.

(e) Upon receipt of a renewal of a designation of a California Black-Serving Institution, a college or university will be in receipt of the designation for five academic years. After five academic years, a college or university is permitted to submit an initial application for a designation of a California Black-Serving Institution.

(f) If a college's or university's renewal application is denied by the governing board, a college or university shall be permitted to submit an initial application for the designation of a California Black-Serving Institution at the subsequent application deadline following the denial.

5) Adds Education Code Section 66076.3 as follows:

66076.3. (a) The California State University Statewide Central Office for Advancement of Black Excellence is hereby designated as the managing entity for the designation of a California Black-Serving Institution. The managing entity shall act as a neutral administrative body and shall be responsible for doing all of the following:

(1) Developing an application process that contains the requirement listed in Section 66076.2 for colleges and universities applying for the designation of a California Black-Serving Institutions.

(2) Accepting initial and when applicable, renewal applications from colleges or universities applying to be designated as California Black-Serving Institutions. The application deadline shall be twice a year on a date set forth by the managing entity.

(3) Processing and presenting every applications received to the governing board twice a year, on dates determined by the governing board.

(4) Informing colleges or universities, upon approval or denial by the governing board, as to the outcome of the college's or university's application.

(5) Preparing and delivering to colleges and universities, approved by the governing board to receive the designation of a California Black-Serving Institution, an appropriate insignia to be used by the college and university.

6) Adds Education Code Section 66076.4 as follows:

66076.4 (a) The California Black-Serving Institution governing board is established. The role of governing board is to award colleges and universities with the designation of a California Black-Serving Institution based on applications presented by the managing entity pursuant to 66074.3.

(b) (1) The California Black-Serving Institution governing board shall be composed of eight members:

(A) Lieutenant Governor

(B) One member of the public to be appointed by the Speaker of the Assembly,

(C) One member of the public to be appointed by the President Pro Tempore of the Senate

(D) A designee of the President of the University of California

(E) A designee of the Chancellor of the California State University

(F) A designee of the Chancellor of the California Community Colleges

(G) A designee of the Association of Independent California Colleges and Universities

(H) Chair of the California State Legislature Black Caucus.

(2) A designee serving at the pleasure of the governing board in paragraph (1) shall be qualified and authorized to make decisions on behalf of the appointed member.

(3) A member of the public appointed by either the Speaker of the Assembly or the President Pro Tempore of the Senate shall serve for a two-year term.

(4) It is the intent of the Legislature that in appointing members of the public pursuant to paragraph (1), the appointing authority shall make every effort to ensure the membership of the governing board include those who have a strong interest in the further development and improvement of the academic success of Black and African American students.

(c) For purposes of the first two years of the governing board, the chair person shall be the Lieutenant Governor. For each subsequent chairman, the governing board will select a chairman from its membership by a vote of two-thirds of the voting membership.

(d) The governing board shall provide the approval of whether a college or university receives the designation of a California Black-Serving Institution and shall complete the following actions:

(1) Convene twice a year to vote on the approval or denial of applications.

(2) Adopt a vote threshold for decision-making that requires a two-thirds of the voting membership to concur in the decision.

(3) Approve or deny applications presented by the managing entity.

(e) The governing board shall be subject to the Bagley-Keene Open Meeting Act (Article 9 commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers AFL-CIO
 California State University, Office of The Chancellor
 California Student Aid Commission
 California Teachers Association
 Campaign for College Opportunity
 CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO
 Education Trust; the
 Long Beach Community College District
 Office of Lieutenant Governor Eleni Kounalakis
 San Jose-Evergreen Community College District
 University of California
 University of California Office of The President

Opposition

None on file.

Analysis Prepared by: Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960