

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 684 (Patel) – As Introduced February 14, 2025

[Note: This bill is double referred to the Assembly Committee on Governmental Organization, where the Committee will hear it as it relates to issues under its jurisdiction.]

SUBJECT: University of California: meetings of the Regents

SUMMARY: Expands the definition of “Regent of the University of California” to include the Board of Admissions and Relations with Schools for purposes of the Bagley-Keene Open Meetings Act.

EXISTING LAW:

- 1) Establishes the University of California (UC) as a public trust administered by the Regents of the University of California (Regents) and endows the Regents with full powers of organization and government. Clarifies the UC is only beholden to legislative control as necessary to ensure the security of funds, compliance with the terms of the endowments of the university, and competitive bidding procedures where applicable to the university by statute for construction contracts, sales of property, and purchasing of materials, goods and services. Authorizes the Board of Regents to be comprised of seven ex-officio members, 18 members of the public appointed by the Governor, one student appointed by the Regents, and one faculty appointed by the Regents. The seven ex-officio members on the Board are the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and vice president of the UC alumni association, and the acting president of the UC system (Article IX, Section 9, subdivision (a) of the California State Constitution).
- 2) Stipulates that the UC is to be entirely independent of all political or sectarian influence and kept free in the appointment of its regents and in the administration of the UC’s affairs. Prohibits a person from being debarred from admission to any department of the UC based on the person’s race, religion, ethnic heritage, or sex. Gives the Regents legal title, management, and disposition of UC property. Gives the Regents authority to take property by sale or gift without restriction for the benefit of the UC. Subjects the sale of UC property to a competitive bidding process. Authorizes the Regents to do the following:
 - a) Use the UC seal (enter into contracts);
 - b) Sue or be sued; and,
 - c) Delegate any function of the university to committees of the Regents or the faculty of the University or others, as deemed wise by the Regents (Article IX, Section 9, subdivision (f) of the California State Constitution).
- 3) Mandates the meetings of the Regents be public with exceptions and notices as authorized by law (Article IX, Section 9, subdivision (g) of the California State Constitution).

- 4) Conditions all meetings of the Regents to adhere to the Bagley-Keene Open Meetings Act with the following topics being permitted to be discussed or considered in closed meeting:
 - a) Matters affecting national security;
 - b) The conferring of honorary degrees or other honors or commemorations;
 - c) Matters involving gifts, devises, and bequests;
 - d) Matters involving the purchase or sale of investments for endowments and pension funds;
 - e) Matters involving litigation, when discussion in open session concerning those matters would adversely affect or would be detrimental to the public interest;
 - f) The acquisition or disposition of property in specified circumstances;
 - g) Matters concerning the appointment, employment, performance, compensation, dismissal of UC officers or employees excluding regents other than the president of the university; and,
 - h) Matters relating to complaints or charges brought against university officers or employees excluding individual regents other than the president of the university unless the officer or employee request a public hearing (Education Code (EDC) Section 92030 and 92032, subdivision (b)).
- 5) Stipulates proceedings of public agencies that conduct the people's business of California are subject to public discord and public interaction. The Bagley-Keene Open Meetings Act provides the terms and conditions for how open meetings are to be conducted by public agencies. The terms include, but are not limited to: how to conduct open, closed, and teleconference meetings, the right to record meetings, the manner in which to conduct emergency and special meetings, how to address disorderly conduct, and specific requirements for specified agencies, as defined (Government Code Sections 11120-11132).

FISCAL EFFECT: Unknown.

COMMENTS: *Author's intent.* As described by the author, "Matriculating from K-12 schools to our University of California system is one of our biggest drivers of social mobility and we should ensure that as many students as possible have the ability to possibly attend a UC school. Unfortunately, our A-G requirements that high schools rely upon to ensure their students can apply to UC's are complicated and unfortunately, the process to decide on changes for them is not public. AB 684 will make this process public by requiring the University of California Board for Admission and School Relations (UC BOARS) to be subject to the Bagley-Keene Open Meeting Act."

Admissions to the UC. As stated in the California State Constitution, the UC is a public trust administered by the UC Regents and the Regents have the authority to oversee and delegate the operations of the system through the adoption of policies and procedures. Regents policy 2102, adopted in May 1988 and most recently revised in July 2022, sets the terms and conditions for undergraduate admissions to the UC. Regent policy 2102 states the following:

“First year applicants will be required to complete a minimum of 15 high school year-long courses to be taken during grades 9 through 12. These fifteen must be academic or college preparatory courses approved by the University and consisting of courses in a) history/social science (2 courses); b) English (4 courses); c) mathematics (3 courses including elementary algebra, geometry, and intermediate algebra); d) laboratory science (2 courses to be taken from two disciplines); e) foreign language (2 courses); f) visual and performing arts (1 course); and g) college preparatory elective courses (1 course, to be chosen from the fields listed above).”¹

Contained within the policy is a clause where the UC Regents delegate authority to both the Academic Senate and the UC Office of the President to determine the conditions for admission, specifically:

“Subject to approval by the Board, the Academic Senate determines the conditions for admission. The President of the University, through the systemwide Provost, implements admission policy.”¹

Committee staff note the term “conditions” is not defined by the UC Regents policy; however, it is understood to mean, any changes that would affect a student’s ability to qualify for admission to the UC is a change in the conditions.

Admission to the UC (and technically the California State University (CSU)), begins long before a student applies to the university system. Technically, a student’s admission journey begins in high school with “approved courses.” To streamline admissions to the UC and CSU, a list of subject matter requirements was orchestrated known as “A-G.” Essentially, A-G is a list of subject matters and the required number of courses in each subject matter that are required in order for a high school student to meet the minimum eligibility standards for admission to both the CSU and the UC. A-G matches the UC Regents policy for undergraduate admissions. Having the right number of courses, in the right subject matters is only half of what is required in order for a high school student to meet the minimum eligibility requirements for admission. In order to count towards eligibility, the course listed on the transcript must be a certified A-G course. To certify a course as A-G, a K-12 district will submit the course criteria, curriculum, and supporting documents to the UC Enrollment Services Unit, who will in turn evaluate the course and supporting materials to determine if the course meets the criteria established by the Academic Senate Board of Admissions and School Relations (UC BOARS).

Committee staff note that although the UC Regents Policy for undergraduate admissions stipulate all applicant’s courses must be “approved by the University,” only California-based high schools submit courses for A-G course approval. The evaluation of whether an out of state and international applicants is entirely relegated to the minimum grade point average required and whether the student has the appropriate number of courses in the A-G subjects on their transcript.

The UC Enrollment Services Unit maintains a public website that contains a list of every certified A-G course. The list is disaggregates each “approved” course by school site and subject matter.² Admission counselors and application evaluators at both the UC and CSU use this A-G

¹ <https://regents.universityofcalifornia.edu/governance/policies/2102.html>

² <https://hs-articulation.ucop.edu/agcourselist>

course list in order to determine if a high school student has the appropriate courses necessary to meet the minimum standards for admission.

UC Academic Senate Board of Admissions and School Relations (UC BOARS). UC BOARS is a sub-committee of the UC Systemwide Academic Senate. UC BOARS oversees all matters relating to the admission of undergraduate students. UC BOARS regulates the policies used in the admission process and directs efforts to improve the admission process.³ The membership of UC BOARS includes one faculty representative from each of the 10 UC campuses, two additional faculty acting as Chair and Vice Chair, and two student representatives. In addition to the members of the Committee, staff from the UC Office of the President attend the meetings and provide technical support.⁴ The primary objective of UC BOARS is to determine if the undergraduate admission criteria is representative of the academic requirements to succeed at the UC. If a majority of the membership of UC BOARS determines a change is required, UC BOARS will make a recommendation to the full assembly of the Academic Senate. If approved by the Academic Senate, the UC Regents will then approve the change in admission criteria at a public meeting of the board.

Additional authority granted to UC BOARS by the UC Academic Senate bylaws, includes the following:

“Require secondary schools in California whose graduates are to be admitted on a transcript to submit for approval a list of those courses certified by the school as fulfilling the subject requirements for admission. The committee shall review these courses annually.”⁵

Committee staff note it is unclear when the transition occurred from having UC BOARS review courses annually for approval to the A-G list maintained by the UC Office of the President, but currently the responsibility of reviewing and approving courses lies with the Enrollment Services Unit in the UC Office of the President.

As stated above, the Enrollment Services Unit reviews and approves high school courses as A-G. UC BOARS sets the criteria for the evaluation and therefore, UC BOARS is responsible for determining the academic criteria necessary for admissions to not only the UC, but also the CSU.

Unlike the UC Regents, UC BOARS is not subject to the Bagley-Keene Act and therefore their meetings are not accessible by the public. Based on minutes produced by UC BOARS, which have been amended after publication, decisions are often made by UC faculty that do not align with the course content, standards, and framework of the State Board of Education for K-12 courses.

Area C – mathematics change. On July 07, 2023, UC BOARS unanimously voted to remove data science and statistics as a qualifying course to replace Algebra II on a high school student’s transcript. Algebra II is a required A-G course listed in the UC Regent policy. The exclusion of data science and statistics was conducted without input by CSU and was directly contrary to the Mathematics Framework published by the State Board of Education in the same month. The

³ <https://senate.universityofcalifornia.edu/committees/boars/index.html>

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https://senate.universityofcalifornia.edu/rosters/committees.html?admin_task=committee_details&comm_name=boars

⁵ <https://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart2.html#bl145>

decision to remove data science and statistics as a suitable alternative to algebra II undermined years of work by the State Board of Education and the Instructional Quality Commission to improve data literacy and mathematical attainment in the K-12 system.

By making a decision without public input or public discord, UC BOARS conducted the people's business in manner that negatively impacted the K-12 system and the CSU system. The decision made without consultation created a more restrictive math sequence for admission to the two largest public university systems in the State.⁶

UC Regent meeting on Area C – mathematics change. At a public meeting of the UC Regents' Academic and Student Affairs Committee (committee), the Regents discussed UC BOARS' decision to remove data science and statistics as alternative algebra II courses and the decision to re-evaluate all advance mathematics courses. The Chair of the committee, Regent Leib, raised questions from a letter submitted by the Chair of the California State Board of Education regarding how the changes to the mathematics requirements would negatively affect K-12 and by extension UC admissions. The questions posed went unanswered. The proposed change was accepted without a vote of the UC Regents.

Joint oversight hearing of the Assembly Committees on Education and Higher Education. On October 10, 2024, the Chairs of the Assembly Committee on Education and the Assembly Committee on Higher Education hosted a joint oversight hearing to determine the scope of the unintended consequences of the UC BOARS decision to change the conditions for undergraduate admission. Dr. Deborah Swenson, the Chair of the UC BOARS, and the Executive Director of Undergraduate Admissions, Dr. Han Mi Yoon-Wu represented the UC during the hearing. During their testimony, both representatives confirmed that neither the K-12 system nor the CSU were consulted prior to the decision to exclude data science and statistics as "advance" math courses for purposes of admission.

As previously stated, UC BOARS meetings are not public and Dr. Swenson explained why in her testimony:

"Although BOARS comes up with recommendations, we are not a policy body that imposes policy on the state in order for a recommendation that comes from BOARS be implemented it needs to go through subsequent steps and ultimately, be approved by the UC Regents. Who are appointed by the Governor so BOARS is not by itself making decision, there is a lot of scrutiny that comes, in those later stages, and to the extent there is concerns about public ability to weigh in, as you know UC Regents meetings open to the public, they invite speakers from all impacted groups, although our meetings do not include open session, our decisions are subject to a lot of scrutiny, and are not going to just be rubber stamped."⁷

Later in the hearing, both representatives from the UC suggested a vote by the UC Regents was unnecessary, as removing data science and statistics as alternative courses for algebra II did not qualify as a "change in the conditions for admission."

Committee comments. After the Joint Oversight Hearing in October 2024, the Chairs of the Assembly Committee on Education and Higher Education sent a letter to the UC Regents

⁶ <https://www.chronicle.com/article/did-the-university-of-california-try-to-bury-a-consequential-vote-on-math>

⁷ <https://www.assembly.ca.gov/media/joint-hearing-higher-education-and-education-20241010>

requesting a delay in the implementation of the Area C - mathematics change and requested the UC Regents to follow the UC policy and vote on the proposed changes to the conditions for admission.

On February 24, 2025, the UC Regents replied to the Chairs of the two committees stating they would delay the implementation of the changes for one year, but reasserted their belief a vote of the Regents was not necessary, as the reclassification of what qualifies as an algebra II alternative course did not constitute a change in the conditions for admission. Additionally, the UC Regents' letter stated the following:

“We have also requested that BOARS and University undergraduate admissions personnel review their consultation process and present to the Regents a proposed new process for robust K-12 consultation as well as provide an opportunity for public comment on any changes to admissions policy or its implementation. We understand that BOARS has already planned to reinstate its prior practice of engaging a broad range of stakeholders. The Academic Senate leadership supports codifying consultation processes in Academic Senate Bylaws and BOARS guidelines to ensure greater transparency in future deliberations and decisions and will engage with BOARS to pursue formal amendments. We commit to you that we will follow up with Academic Senate leadership to ensure that these measures are codified in university policy.”

*Committee staff note at the February 2025 UC BOARS meeting, Dr. Linda Darling-Hammond, President of the California State Board, presented to UC BOARS on the K-12 system. The minutes indicate the Chair of UC BOARS would follow up with President Darling-Hammond about future consultation.*⁸

UC BOARS publishes their agenda and minutes after each meeting. However, the minutes are often truncated and do not include the full discussion of the agenda items; furthermore, the minutes have been amended to delete or add additional information.

The UC has constitutional autonomy and is the only public higher education whose entire operation occurs outside of executive or legislative authority. As a public trust entity, the UC is subject to Bagley Keene Open Meetings Act (Bagley-Keene) and is required to hold open meetings where the public, stakeholders, and policy makers can engage with the system to provide discord on decisions.

Despite assertions to the contrary during the Joint Oversight Hearing, UC BOARS does make unilateral decisions on admissions without public consultation. Additionally, UC BOARS has the authority to change the conditions of admission by changing the type of courses considered as “approved A-G” courses.

UC BOARS decisions affect more than the UC system, their decisions change the admissions criteria for the CSU and change the type of courses a high school needs to offer their students. UC BOARS has been delegated authority by the UC Regents to oversee admissions conditions and therefore, just as with every other governing board, that oversees the people's business in California, it should be subject to Bagley Keene.

⁸ https://senate.universityofcalifornia.edu/_files/committees/boars/boars-2-7-2025-minutes.pdf

Similar Legislation.

AB 500 (Quirk - Silva) of 2025, is scheduled to be heard in Assembly Higher Education Committee on April 08, 2025. The measure establishes the procedures the California State Legislature intends for the UC Regents to undertake prior to a vote to determine a change in the undergraduate admissions criteria or standards for admission to the UC.

AB 1217 (M. Fong) of 2025, is scheduled to be heard in Assembly Higher Education Committee on April 08, 2025. The measure would establish the legislative intent for how the UC Office of the President determines if a high school course is a college preparatory course.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

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