
SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

Bill No:	SB 1101	Hearing Date:	April 8, 2026
Author:	Pérez		
Version:	February 13, 2026		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Postsecondary education: sharing personal information: notice.

NOTE: This bill has been referred to the Committees on Education and *Privacy, Digital Technologies, and Consumer Protection*. A “do pass” motion should include referral to the Committee on *Privacy, Digital Technologies, and Consumer Protection*.

SUMMARY

This bill requires the California State University (CSU) Trustees, the governing board of a community college district (CCD), and a qualifying independent institution of higher education and requests the University of California (UC) Regents to notify faculty, staff, and students if their personal information, as defined, is shared with the U.S. Department of Education’s Office for Civil Rights (OCR) under the specified circumstances. It further limits the sharing of personal information of faculty, staff, and students with OCR to that which is required by federal and state law.

BACKGROUND

Existing law:

- 1) Establishes the 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) Stipulates that no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopts the provision. (Education Code (EC) § 67400)
- 3) Establishes the CSU system, made of 22 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. (EC §§ 66606 and 89030 et seq.)
- 4) Establishes the California Community Colleges (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. (EC § 70900)

- 5) Defines “qualifying institution,” for purposes of the Cal Grant program, as a California institution that meets specified requirements, including accreditation, participation in federal financial aid programs, and satisfies cohort default and graduation rate requirements. An independent institution of higher education qualifies only if it satisfies these requirements. (EC § 69432.7 (l)(1))
- 6) Under federal law, establishes the Federal Family Educational Rights and Privacy Act (FERPA), which sets requirements for the privacy of student education records and generally prohibits disclosure without student consent, except under specified circumstances, including compliance with a lawfully issued subpoena or in response to certain federal audits or evaluations. FERPA also requires institutions to notify students of a subpoena prior to compliance, unless otherwise directed. (20 United States Code § 1232(g); Title 34 of the Code of Federal Regulations, Part 99)
- 7) Under the California Consumer Privacy Act (CCPA), grants California residents rights regarding the collection, use, and disclosure of personal information by businesses, including the right to know what information is collected and how it is shared. For purposes of the CCPA, “personal information” is defined to include information that identifies, relates to, or could reasonably be linked with a particular consumer or household and includes, but is not limited to, specific categories of information. (Civil Code Section 1798.140 (v))

ANALYSIS

This bill:

- 1) Requires, the CSU Trustees, the governing board of a community college district, and an independent institution of higher education that is a Cal Grant qualifying institution and requests the UC Regents to notify faculty, staff, and students if their personal information is shared with OCR when the request for personal information is made as part of an investigative, compliance, or enforcement action.
- 2) Requires that when requests for personal information are made by subpoena, the notification be made as soon as reasonably practicable before complying with the subpoena.
- 3) Requires that the notification include a description of the specific types of personal information shared, including, but not limited to, telephone numbers, email addresses, and physical addresses.
- 4) Limits the sharing of personal information with the OCR to that which is required by federal and state law.
- 5) Defines, for purposes of this bill, “personal information,” to have the same meaning as defined in the CCPA.

- 6) Provides that the provisions of this bill are severable, as specified.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The U.S. Department of Education’s Office for Civil Rights (OCR) enforces federal civil rights laws in education and may request personal information about students, faculty, and staff during investigations. Recent federal inquiries have raised concerns about transparency in how universities disclose such information, especially as the nature of investigations has shifted. While OCR investigations were once prompted by complaints from students or families alleging discrimination, the federal government is increasingly launching “directed investigations” without a formal complaint. These inquiries have focused on issues such as transgender athletes, gender neutral bathrooms, and initiatives viewed as discriminatory toward white students. They also include investigations, such as the California State University system’s association with a project that promotes diversity amongst students and broader allegations of antisemitism, including at University of California campuses. In several cases, federal authorities have issued subpoenas seeking employee information, including personal contact details which have prompted privacy concerns among faculty and students.

“SB 1101 establishes a clear transparency framework governing how institutions share personal information with OCR. It requires public higher education institutions, and requests the University of California, to notify individuals when their personal information is disclosed, including advance notice when responding to subpoenas, specifies the categories of information shared, and limits disclosure to circumstances required by law.”

- 2) ***Information sharing in federal civil rights investigations.*** This bill applies to requests made by OCR. The office is charged with enforcing federal civil rights laws in education, specifically laws that prohibit discrimination in programs or activities that receive federal assistance from the U.S. Department of Education. OCR often requests access to institutional data to investigate and resolve allegations of discrimination.

As mentioned in the author’s statement, recent requests for information from federal agencies have raised questions regarding whether, and under what circumstances, institutions notify individuals when their personal information is shared in compliance with federal requests. According to the California Faculty Association, the sponsors of the bill, last year, in response to a federal subpoena, CSU shared the personal phone numbers and email addresses of 2,600 Los Angeles campus employees with the Equal Employment Opportunity Commission. In addition, a recent (October 2025) UC statement reports that, in response to an investigation by the OCR, UC Berkeley provided unredacted records after determining it was legally required to do so under federal law. The files included names and, in some instances, contact details of complainants, respondents, and witnesses. Another example of the types of recent investigations initiated by OCR include an investigation into San Jose State University for suspected Title IX violation related to a transgender student athlete

participation on the women's volleyball team. Staff notes that OCR affirmed the violation and issued a proposed resolution agreement which CSU declined to enter into as it disagreed with OCR's legal position.

This bill seeks to ensure students, faculty, and staff are informed when their data is shared with OCR, to support greater transparency regarding data-sharing practices. *Moving forward, the author may wish to consider whether it is necessary to clarify how notification requirements are applied when confidentiality in OCR investigations is warranted.*

- 3) **Limits data sharing.** This measure defines personal information to have the same meaning as defined by the CCPA, which establishes a broad definition of information that identifies, relates to, or could reasonably be linked to an individual. OCR may request various types of information while conducting an investigation or compliance review, including information related to students, employees, and other institutional data. These requests may not always take the form of a subpoena but can also be informal requests. Under FERPA, the primary federal law governing the privacy of student education records, generally permits but does not require institutions to share certain student information without consent with federal agencies for enforcement purposes. This bill further limits how information can be shared by restricting disclosure of personal information with OCR to only what is required by state or federal law.
- 4) **Notification to impacted individuals.** In addition to providing notice when information is shared, this bill requires providing notice as soon as practicable before complying with a subpoena. Notifications must include a description of the specific types of personal information shared as part of the request. Institutions may need to develop a method to identify impacted individuals and provide notification as prescribed in the bill.

SUPPORT

California Faculty Association (sponsor)
 American Federation of State, County and Municipal Employees, AFL-CIO
 California School Employees Association
 California State University Employees Union
 Oakland Privacy
 Teamsters California
 University of California Student Association
 One Individual

OPPOSITION

None received

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