

SENATE THIRD READING

SB 391 (Laird)

As Amended July 17, 2025

Majority vote

SUMMARY

Permits the Chancellor of the California Community Colleges to charge a data fee upon researchers seeking to access data housed at the Chancellor's Office.

Major Provisions

- 1) Permits the Chancellor of the California Community Colleges (CCC) to implement a policy that imposes a fee upon researchers who request access to individually identifiable data, student data, or both. The fee policy imposed by the Chancellor's office must be:
 - a) Reviewed and approved by the Board of Governors (BOG) of the CCC;
 - b) Revised periodically;
 - c) Available to the public;
 - d) Posted on the Chancellor's office website; and,
 - e) In compliance with federal and state privacy laws; including, but not limited to the federal Family Educational Rights and Privacy Act and the section on conditions of disclosure in the California Information Practices Act of 1977.
- 2) Clarifies that if a fee is imposed by the Chancellor's office for data access, the fee will recover the cost of significant data compilation, extraction, programmatic use of the data system typically absorbed by either the requesting data researcher or the data provider, or both.
- 3) Exempts the fee policy from being applied to the following entities:
 - a) A state agency, not including requests for data from the California State University (CSU), the University of California (UC), and the California Department of Education;
 - b) An undergraduate or graduate student seeking data for the student's individual studies; and,
 - c) A community college faculty member seeking data for the faculty member's individual research.

COMMENTS

Chancellor's office Unit on Research, Analytics, and Data (RAD). The CCC system is home to 116 community colleges overseen by 73 community college districts. The system employed more than 87,409 employees who provided services to more than 2.1 million students in the

2023-2024 academic year.¹ The Chancellor's office of the CCC provides administrative support to the community colleges and to the systemwide Board of Governors. Part of the administrative support provided by the Chancellor's office includes data compilation and public dashboards on the progress of the 116 community colleges in meeting the Executive and Legislative goals of providing foundational education for a skilled and trained workforce.

Within the Chancellor's office, an entire unit is dedicated to research, data analytics, and the compilation of data. The RAD unit handles research queries for the system and uses data from across the system to help the Chancellor's office, Board of Governors and individual colleges make data-informed decision with the intention of improving the academic success of students.² RAD is responsible for:

- 1) Evaluating the effectiveness of program across the system:
- 2) Monitoring systemwide, district, and college performances in meeting the equitable student outcomes set by Chancellor's office; and,
- 3) Conducting research to ensure the CCC system is addressing equity gaps in the educational progress of students.

The RAD also maintains the multiple data systems which are comprised of data elements provided by the 116 community colleges across the system; including, but not limited to student progress in degree attainment, student demographics, financial aid procurement, and financial data. According to the RAD, a team of eight individuals handle all of the above responsibilities in addition to processing data requests from external parties. Due to the limited capacity of staff, the following disclaimer is listed on the Chancellor's office website:

"The Chancellor's office is pleased to work with external individuals, agencies and organizations interested in conducting research on California Community College students or the system. However, due to capacity constraints, requestors seeking access to individual-level data should be prepared for the execution of Memorandums of Understanding (MOUs) to take at least six months. As such, we do not recommend requestors seek restricted data for theses, dissertations or other time-sensitive efforts."²

Data requests at the CCC. The Chancellor's office manages between 25 to 40 data requests throughout the academic year. Each data request requires significant time investments by RAD staff; which subsequently impacts, and often delays, the additional job responsibilities delegated to the Unit.

The intention behind the fee is to help recoup the cost associated with complying with the data requests. According to the Chancellor's office, the fee would provide a necessary revenue stream to assist in modernizing software systems, purchasing new technology systems, paying for additional cloud licenses and server costs, supporting staff professional development, and contracting additional staff.

¹ https://datamart.cccco.edu/Faculty-Staff/Staff_Annual.aspx and
https://datamart.cccco.edu/Students/Student_Headcount_Term_Annual.aspx

² <https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Research-Analytics-Data>

This measure would permit the CCC to join the myriad of other state agencies who charge for significant data compilation from non-state researchers, including other public higher education institutions.

Privacy protections for student data. The measure calls for a data fee to be imposed upon data requests for individually identifiable data or student data. The Family Educational Rights and Privacy Act (FERPA) prohibits the disclosure of student identifiable data from a student record to anyone unless the student has explicitly permitted the disclosure. State privacy laws prohibit the disclosure of identifiable data unless specific disclosures are met by the agency and the data is used for a specified purpose including, but not limited to research. Amendments were taken in the California State Senate to ensure the data fee policy and therefore the deployment of data to researchers complies with both state and federal privacy laws.

According to the Author

As stated by the Author, "The California Community Colleges system is the largest higher education system in the country, and there is significant interest from research organizations in data sharing with the community college system to explore critical topics from affordability to developmental education reform to transfer and more. The Chancellor's office voluntarily fulfills these research requests, but doing so is both time and labor intensive, and has become a significant portion of the Chancellor's office workload. Mirroring the authorization to impose fees granted to the California Department of Education and Cradle to Career, Senate Bill 391 will provide the Community College Chancellor's office the ability to impose research fees on research requests to cover the actual costs incurred by the Office for fulfilling data requests. With fair compensation, this bill will ease the capacity of the Chancellor's office to provide this essential service."

Arguments in Support

As stated by the sponsors of SB 391, the Chancellor's Office of the CCC, recognizes "the importance of data accessibility and are deeply committed to making systemwide data available to the public. External research organizations frequently request extensive, detailed datasets for reports on issues such as student transfer, success, and basic needs. Each year, we manage dozens of these requests, which we rarely decline, as we value the insights they provide. However, processing these requests is resource-intensive and currently uncompensated, consuming a significant portion of our staff's workload. Fulfilling a data request requires drafting individual Memorandums of Understanding (MOUs) and conducting extensive data compilation, extraction, and programming. Each request involves at least nine different staff positions, and projects can take anywhere from several weeks to multiple years to complete. Meanwhile, our research and program staff are already responsible for managing a statewide data management system, processing data requests for more than 55 annual and biennial legislative reports and supporting multiple state-level programs and initiatives. This policy is essential to offset the costs currently absorbed by the Chancellor's Office without dedicated funding. As a lean agency of only 203 permanent staff members, SB 391 is crucial to sustaining our long-term efforts to meet the growing demands for information by multiple entities, including the legislature and external organizations."

Arguments in Opposition

No opposition on file for the current version of the measure.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

One-time General Fund costs of between approximately \$33,000 and \$53,000 for the CCCCCO to develop a data request fee policy for review and approval by the Board of Governors. However, by recovering workload costs associated with significant data compilation, extraction, and programming, this bill would result in cost savings in the hundreds of thousands of dollars that the CCCCCO indicates it would direct to staffing capacity and efficiency. Because the bill exempts state agencies from the data fee policy, this bill would not result in additional General Fund costs.

VOTES**SENATE FLOOR: 38-0-2**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Limón, Reyes

ASM HIGHER EDUCATION: 8-0-2

YES: Fong, Boerner, Jeff Gonzalez, Jackson, Patel, Celeste Rodriguez, Sharp-Collins, Tangipa

ABS, ABST OR NV: DeMaio, Muratsuchi

ASM APPROPRIATIONS: 12-0-3

YES: Wicks, Sanchez, Arambula, Calderon, Nguyen, Elhawary, Aguiar-Curry, Hart, Pacheco, Pellerin, Solache, Tangipa

ABS, ABST OR NV: Dixon, Mark González, Ta

UPDATED

VERSION: July 17, 2025

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FN: 0001144