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UNFINISHED BUSINESS

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Bill No: SB 391  
Author: Laird (D)  
Amended: 7/17/25 in Assembly  
Vote: 21

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SENATE EDUCATION COMMITTEE: 7-0, 4/2/25  
AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Laird

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25  
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab  
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25  
AYES: 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  
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 72-1, 8/28/25 - See last page for vote

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**SUBJECT:** Community colleges: Chancellor of the California Community  
Colleges: data request fee policy

**SOURCE:** California Community Colleges, Chancellor's Office

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**DIGEST:** This bill authorizes the California Community College (CCC)  
Chancellor to implement a data request fee policy for researchers applying for  
access to individually identifiable data, student data, or both.

*Assembly Amendments of 7/17/25 expand fee exemption provisions by explicitly  
prohibiting fees from being imposed on CCC faculty seeking data for individual  
research purposes and make other clarifying changes.*

**ANALYSIS:**

Existing federal law imposes, under the Family Educational Rights and Privacy Act (FERPA) of 1974, specific requirements on postsecondary institutions concerning the handling of educational records. The statute mandates that these institutions must not disclose education records or personally identifiable information without the consent of the student, except under specified exceptions. One such exception includes instances in which the disclosure is in connection with financial aid for which the student has applied. Furthermore, the Act conditions the receipt of federal funds on adherence to these privacy protections. Institutions in violation of FERPA may face penalties, including the possible loss of federal funding. (20 United States Code Annotated § 1232g)

Existing state law:

- 1) Establishes the CCCs under the administration of the Board of Governors (BOG), as one of the segments of public postsecondary education in California. The CCC system shall be comprised of community college districts. (Education Code (EC) § 70900)
- 2) Authorizes the California Department of Education (CDE) to impose reasonable fees or charges upon researchers applying for access to individually identifiable data, in order to cover costs of responding to time-intensive requests and requires that fees or charges equal the actual costs incurred by the department in responding to the applicant's request. Current law further prohibits fees or charges from being imposed on any state agency except to the University of California (UC), the California State University (CSU), or the Chancellor of the CCCs for fees or charges related to the release of data for research purposes. (EC § 49079.7 (a)-(c) inclusive)
- 3) Authorizes the governing board and the managing entity of the Cradle to Career Data System to implement a data request fee policy to compensate for excessive use of the data system, to recover costs that would otherwise typically be borne by the requesting data researcher, or both. Current law provides that the data request fee policy that is implemented be reviewed and approved by the governing board, revised periodically, and made publicly available and posted in a prominent location on the data system's website. (EC § 10869)
- 4) Prohibits, under the Information Practices Act, a state agency from disclosing any personal information in a manner that would allow the identification of the individual to whom the information pertains with specific exceptions such as nonprofit educational institutions conducting scientific research provided that

the Committee for the Protection of Human Subjects, of the California Health and Human Services Agency, has approved the request for information. (Civil Code 1798.24 (a)-(w) inclusive)

This bill:

- 1) Authorizes the Chancellor of the CCCs to implement a data request fee policy for researchers applying for access to individually identifiable data, student data, or both.
- 2) Requires that the data request fee policy adhere to all of the following requirements:
  - a) Be reviewed and approved by the CCC BOG, revised periodically, and made publicly available and posted in a prominent location on the Chancellor's website.
  - b) Comply with all applicable federal and state laws to protect individual privacy, including but not limited to the federal FERPA and Section 1798.24 of the Civil Code.
- 3) Provides that the fees or charges imposed upon applicants who are requesting data from the Chancellor compensate for significant data compilation, extraction, or programming use of the data system by the CCC Chancellor's Office to recover costs that would otherwise typically be borne by the requesting data researcher, the Chancellor's Office or both.
- 4) Prohibits fees or charges from being imposed upon either of the following:
  - a) A state agency, except for fees or charges related to the release of data for research purposes to the UC, the CSU, or the State Department of Education.
  - b) An undergraduate or graduate student seeking data for the student's individual studies.
  - c) A CCC faculty member seeking data for individual research purposes.

## Comments

*Need for this bill.* According to 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."

*Data requests.* According to the CCC Chancellor's Office privacy statement, it collects and retains personal information from individuals using its website and from other sources that are provided to them as authorized by applicable law. The CCC Chancellor's Office indicates that it manages at any given time 25-40 Memoranda of Understanding (MOUs) with various research partners to provide compilation of specific student data and receives two to three requests per month. According to information provided by the author's office, "the fulfillment of these data requests has become a significant portion of the Chancellor's Office workload and is in addition to its duty to manage a complex, statewide data management information system and to fulfill data requests for annual and biennial legislative reports and provide data to monitor multiple different state-level programs or initiatives. The fulfillment of an average data request requires time and labor investments from the Chancellor's Office attorneys, Vice Chancellor, Research Data Managers, Research Data Specialists, Information Technology Specialists, Information Technology Managers, Associate Governmental Programs Analysts, Executive Vice Chancellor, and Communications Information Officers."

*Other state educational agencies that impose data request fees.* Current law authorizes the CDE and the Office of Cradle to Career Data to impose fees or charges for data requests. The provisions in this bill are modeled after CDE's statutory authority to impose data request fees. Specifically, CDE has the authority to impose fees on, including on CCC, CSU, and UC researchers, who request access to individually identifiable data, based on the actual costs incurred. In practice, CDE only accepts requests from qualified researchers at universities, non-profit institutions or other governmental agencies. It reviews each request, and determines whether it is aligned with its research priorities and whether it satisfies other requirements determined by CDE. This bill allows the CCC Chancellor to develop a similar policy for charging researchers applying for access to student data. As mentioned, the Chancellor's Office currently collaborates with various research partners. However, it is not authorized to impose charges on those partners for work related to these requests.

*Student privacy.* The CCC Chancellor's Office is subject to federal and state privacy laws. This bill does not alter privacy requirements for the CCC Chancellor's Office, nor does it change what data may be disclosed or to whom the data may be disclosed. Rather, it attempts to enable the CCC Chancellor to establish a process for recovering costs associated with the compiling, extracting, or programming of data by Chancellor's office staff that are already permissible for disclosure under current federal and state privacy laws.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee analysis, this bill would have the following fiscal impact:

- One-time General Fund costs of between approximately \$33,000 and \$53,000 for the CCCCO 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 CCCCO 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.

**SUPPORT:** (Verified 8/28/25)

California Community Colleges, Chancellor's Office (Source)  
Advanced Consulting, LLC  
RAND

**OPPOSITION:** (Verified 8/28/25)

None received

**ASSEMBLY FLOOR:** 72-1, 8/28/25

**AYES:** Addis, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio

NO VOTE RECORDED: Aguiar-Curry, Alvarez, Berman, Muratsuchi, Ta,  
Valencia

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105

8/28/25 16:50:04

\*\*\*\* **END** \*\*\*\*