I. ROLL CALL

II. PUBLIC SPEAKERS*

III. NEW BUSINESS

A. Federal Update Report
   - Leslie Pollner - Holland & Knight LLP

B. State Legislative Update
   1. State Budget Update – AB 130 and AB 134 – Financial Aid Funding for DACA Students
      - Dale Shimasaki, Strategic Education Services
   2. State Legislative Measures
      New Bills
      - AB 21 (Kalra) – Public Postsecondary education: Access to Higher Education for Every Student
      - Patrick McCallum, McCallum Group Inc.
Bill Updates

- AB 19 (Santiago) – Community Colleges California College Promise
  - Patrick McCallum, McCallum Group Inc.

- SB 54 (De Leon) - Law enforcement: Sharing Data
  - Dale Shimasaki, Strategic Education Services

- SB 628 (Lara) - Local educational agencies: governing board elections: Los Angeles Community College District
  - Paul Bauer, Mercury

- SB 769 (Hill) – Baccalaureate Degreed Pilot Program
  - Patrick McCallum, McCallum Group Inc.

C. Local Advocacy
- Maria Luisa Veloz

D. California Community College Trustees (CCCT) Update
- Trustee Andra Hoffman

E. Updated Bill Matrix

IV. OLD BUSINESS

V. DISCUSSION

VI. SUMMARY– NEXT MEETING ................................................................. Mike Fong

VII. ADJOURNMENT

*Members of the public are allotted three minutes time to address the agenda issues.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. To make such a request, please contact the Executive Secretary to the Board of Trustees at 213/891-2044 no later than 12 p.m. (noon) on the Tuesday prior to the Committee meeting.
September 20, 2017

To: Legislative and Public Affairs Committee Members

From: Maria Luisa Veloz
Administrative Officer to the Chancellor

Subject: September State Legislative and Public Affairs Update

On Friday, September 15th, the Legislature reached their final deadline for the first year of this two-year session. The Governor will have until October 15th to sign or veto those bills that made it to his desk. Bills that were not moved out of the Legislature are now two-year bills. The Legislature is on recess until January 3rd and those two-year bills can be considered in January when the Legislature returns.

<table>
<thead>
<tr>
<th>BUDGET UPDATE: Funding for DACA</th>
<th>Prepared by: SES</th>
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Recommendation:
Watch -- AB 130 for legal services for immigration students
Support -- AB 134 for community college DACA students

Gov. Jerry Brown and legislative leaders announced a plan Tuesday to set aside $30 million to help immigrants affected by President Trump’s decision to rescind a program that shields thousands of them from deportation.

The Deferred Action for Childhood Arrivals program, known as DACA, allows immigrants who were brought to the United States as children to apply for temporary protections from deportation and to receive work permits.

It would set aside $20 million for immigration legal services [contained in AB 130] and send $10 million to public colleges and universities to provide financial aid to DACA students, also known as Dreamers. Of the $10 million, $7 million would to community colleges, $2 million to California State University and $1 million to the University of California. The community college provisions, contained in AB 134:

- Provides $7 million one-time Proposition 98 General Fund for community colleges to provide emergency student aid to students with identified needs who are exempt from paying nonresident tuition under Section 68130.5 of the Education Code, and apply for financial aid using the Dream Act application.
• Funding for community colleges will be distributed based on the number of students enrolled who are exempt from paying nonresident tuition under Section 68130.5 of the Education Code.

• Additionally, colleges that receive funding are required to report to the Chancellor’s Office regarding the number of students served and the amount of financial aid provided.

LEGISLATIVE UPDATE – New Bills for Consideration by Committee

AB 21 [Kalra]. Access to Higher Education for Every Student
Prepared by: MGI
Recommendation: Support
Status: Governor’s Desk

Summary:
This measure would require California Community Colleges, the CSU, each Cal Grant eligible independent institution of higher education and would request the UC to establish various policies and actions to be implemented by postsecondary institutions in California that safeguard against immigration enforcement activities on campuses. Specifically, for LACCD, the measure would require the district to:

• Refrain from disclosing personal information about students, faculty, and staff except:
  o With the consent of the person identified, or if the person is under 18, with the consent of the parent or guardian
  o As may legally be disclosed under state and federal privacy laws
  o For the programmatic purpose for which information was obtained
  o As part of a directory that does not include residence address or individuals course schedules and that the person has not elected to opt out of
  o In response to a judicial warrant, court order, or subpoena

• Advise all students, faculty and staff to notify the office of the chancellor or president if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.

• If there is reason to suspect that a student, faculty, or staff person has been taken into custody as a result of an immigration enforcement action, the college or university, as soon as possible, shall notify the person’s emergency contact that the person has been taken into custody.

• Comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant.

• Advise all students, faculty and staff responding to or having contact with an immigration officer executing a federal immigration order, to refer the entity or individual to the office of president or chancellor for purposes of verifying legality of any warrant, court order or subpoena.

• Designate a staff person to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus.

• Maintain a contact list of legal services provides who provide legal immigration representation and provide it free of charge to students.

• Adopt and implement by March 1, 2019, the model policy developed by the Attorney
General, limiting assistance with immigration enforcement to the fullest extent possible with federal and state law.

- In the event that an undocumented student is subject to federal immigration order, the college shall ensure that both of the following occur:
  - In the event that the student is unable to attend his or her academic requirements, the college shall make all reasonable effort to assist the student in retaining eligibility for financial aid and other student benefits.
  - That staff is available to assist undocumented students and other students, faculty and staff who may be subject to federal immigration order or inquiry.

**Recommended Position Rationale:**

- The bill would provide for a uniform response to compliance with federal immigration officials.
- Both the Community College League and the State Chancellor’s Office have taken a support position on the measure.

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**LEGISLATIVE UPDATE – Bills Previously Considered by Committee**

**AB 19 [Santiago]. Community Colleges: California College Promise.**

**Prepared by:** MGI

**LACCD Position:** Sponsored by LACCD

**Status:** Governor’s Desk

**Summary:**

This bill would authorize community college districts to utilize funding appropriated by the Legislature to waive enrollment fees for first-time, full-time (12 units or more) students. The bill would

- Upon appropriation by the Legislature, require the state chancellor to distribute funds to community college districts in order to advance the Community College Promise Program.
- In order to qualify for funding, community colleges shall do all of the following:
  - Partner with at least one local educational agency (LEA) to establish an Early Commitment to College Program to assist students and families in applying for college financial aid.
  - Partnering with at least one LEA to support or improve high school preparation for college and reduce remediation.
  - Utilizing evidence-based assessment and placement practices at the community college, including multiple measures.
  - Participate in the community college Guided Pathways Program.
  - Maximizing student access to financial aid, including completing the FASFA, Cal Grant and Dream Act applications. The district must also participate in federal loan program.

**Position:**

- The LACCD Legislation and Public Affairs Committee adopted a support position on the bill and the district is sponsoring the measure along with other large community college districts.
- The provisions in this bill represent an agreement reached between the author, the
sponsors and the State Chancellor’s Office. There is not agreement with the administration, although there is a commitment to continue to work on this next year and the Board of Governors have included in their budget request funding for a Promise Program Framework.

**SB 54 [De Leon]. Law enforcement: sharing data**

**LACCD Position: Support**

**Status: Assembly Third Reading**

**Summary:**

Limits the involvement of state and local law enforcement agencies in federal immigration enforcement. The Assembly Floor analysis identifies 26 significant provisions and 19 other sub-provisions. With respect to the LACCD, the major provisions include:

- Prohibits law enforcement agencies [including community colleges] from using agency or department moneys, facilities, property, equipment, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.
- Prohibits agency or department databases [including community colleges], including databases maintained for the agency or department by private vendors, or the information therein other than information within those databases regarding an individual’s citizenship or immigration status, from being available to anyone or any entity for the purpose of immigration enforcement.
- Clarifies that this bill does not prevent any California law enforcement agency from doing any of the following that does not otherwise violate any local law or policy of the jurisdiction in which the agency is operating such as:
  - Responding to a request from federal immigration authorities for information about a specific person’s criminal history, including previous criminal arrests, convictions, and similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law
  - Participating in a joint law enforcement task force, so long as the primary purpose of the joint law enforcement task force is not immigration enforcement, as defined
- Requires the Attorney General shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools [including community colleges], public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. These entities will be required to implement the model policy or an equivalent policy.

**Recommendation:**

- The LACCD Legislation and Public Affairs Committee adopted a support position on the bill.
- The media has reported that the Governor will sign this bill.
SB 769 [Hill]. Baccalaureate Degreed Pilot Program  
LACCD Position: Support  
Status: Held in Assembly Appropriations

Summary:
This measure would have extended the sunset date of the California Community College Baccalaureate Degree Pilot Program by five years to July 1, 2028.

Position:
- The LACCD Legislative and Public Affairs Committee adopted a support position on the bill.
- The LAO will release a report on the Community College BA Program this fall.
- Members of the Appropriations Committee wanted to see the report prior to making any extension or expansion of the Program.
- We anticipate that Senator Hill will introduce another bill with expansion and extension next year.

LOCAL ADVOCACY – Los Angeles County Board of Supervisors

In response to the Trump Administration’s announcement of September 5th to rescind the Deferred Action for Childhood Arrivals Program, LA County Supervisors Hilda Solis and Janice Hahn introduced a motion on September 12th that called for following:
- A 5 signature Board letter to Congress and the President demanding legislative action on DACA;
- A 5 signature Board letter to the California Governor and Attorney General requesting any and all action necessary to protect DACA recipients;
- The implementation of a travel restriction to the nine states that threatened litigation at the federal level to end DACA, including Texas, Alabama, Arkansas, Idaho, Kansas, Louisiana, Nebraska, South Carolina and West Virginia;
- Ongoing support from the Office of Immigrant Affairs for DACA recipients; and
- Exploration of immigration relief for DACA recipients who are LA County employees.

Chancellor Francisco Rodriguez, the LA Chamber of Commerce and other community leaders were asked to testify at the Board of Supervisors in support of the motion.
Memorandum

Date: September 13, 2017

To: LACCD Legislative & Public Affairs Committee

From: Holland & Knight LLP

Re: Federal Policy Update

Since Congress returned from its August recess on September 5th, there has been significant activity at the federal level impacting the Los Angeles Community College District. This memo provides a brief overview of these issues, including:

- DACA Rescission
- Appropriations
- Legislation to Support Homeless and Foster Youth Access Higher Education
- College Promise
- Sen. Harris Legislation on For-Profit Colleges

I. Trump Administration Announces Phase Out of DACA Program

On September 5th, Attorney General Jeff Sessions announced that DACA will be phased out and Acting Department of Homeland Security Secretary Elaine Duke issued a memorandum officially rescinding the June 15, 2012 memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” (the DACA memo). Acting Secretary Duke’s memo also stated that DHS “personnel shall take all appropriate actions to execute a wind-down of the [DACA] program[.]” The program will be phased out over the next six months (March 2018), giving Congress a limited window to act. The DACA rescission memorandum states that DHS will take the following actions:

- For any initial DACA requests and applications for Employment Authorization Documents (EADs) that have been received as of September 5, U.S. Citizenship and Immigration Services (USCIS) will adjudicate them on an individual case-by-case basis.

- USCIS will reject all initial DACA requests and associated EADs received after September 5.

- For any requests for renewing DACA benefits and associated applications for EADs that have been received as of September 5, USCIS will adjudicate them on an individual, case-by-case basis.
For individuals whose DACA status expires between September 5 and March 5, 2018, USCIS can still adjudicate their renewal requests, but only if they are received by October 5, 2017.

If an individual's DACA protection expires March 6, 2018 (or a date thereafter), and he or she has not already submitted a renewal application, the individual would be subject to deportation on March 6, 2018 (or a date thereafter).

For any EADs that are lost, stolen, or destroyed, USCIS will continue to process the replacement document for the remainder of duration that they are valid.

Senior DHS officials said that as part of Duke's memorandum, USCIS will close all pending applications for Advance Parole associated with the DACA program.

Two bipartisan bills were introduced earlier this year to continue DACA. The first—the Bridge Act (S.128)—would provide a three-year provisional protected presence to qualified individuals who came to the U.S. as children. Subsequently, a similar bipartisan group introduced the Dream Act (S. 1615/H.R.3440), which would protect DACA recipients by allowing them to earn lawful permanent residence, and eventually citizenship if they:

- Are longtime residents who came to the U.S. as children;
- Graduate from high school or obtain a GED;
- Pursue higher education, work lawfully for at least three years, or serve in the military;
- Pass security and law enforcement background checks and pay a reasonable application fee;
- Demonstrate proficiency in the English language and a knowledge of United States history; and
- Have not committed a felony or other serious crimes and do not pose a threat to our country.

On September 7, House Democrats filed a discharge petition—a rarely used legislative maneuver requiring 218 members to sign before the House is compelled to act—to force a vote on the Dream Act. Democrats would need 24 Republicans to support the petition for passage. Though GOP members will be hesitant to buck their leadership, bipartisan support for DREAMers and the bill is building.

Separately, a coalition of 16 state Attorneys General, led by New York Attorney General Schneiderman, have filed suit claiming that the Trump administration violated the Equal Protection clause of the U.S. Constitution by discriminating against DREAMers of Mexican origin, who make up 78 percent of DACA recipients. On September 11th, CA Attorney General Xavier Becerra announced that the state would file its own lawsuit because California and its economy will be especially harmed by the president's action. California has the largest number of
DACA recipients in the country. Some studies estimate that the state will lose $11 million in GDP annually if the program ends.

On September 13th, the Senate Judiciary Committee was expected to have a hearing concerning the Deferred Action for Childhood Arrivals program. However, the hearing, titled "The Long-term Impact of Immigration: Exploring Reforms to our Nation's Guest Worker Programs and Deferred Action for Childhood Arrivals and Their Potential Impact on the American Economy and Local Communities," was abruptly canceled. The press statement indicated that it was because Congress and the Administration are focused on the aftermath of the hurricane. The hearing has not been rescheduled. Witnesses at the hearing would have included Michael Dougherty, assistant secretary for border, immigration, and trade at the Homeland Security Department; John Martin, senior policy adviser at the Labor Department; and Randel Johnson, senior vice president of labor, immigration, and employee benefits at the U.S. Chamber of Commerce.

II. FY 2018 Appropriations Update; Senate Marks-up FY 2018 Labor/Health and Human Services/Education Bill

Following the August recess, lawmakers returned to Washington with a daunting legislative agenda, which included passing a spending bill to avert a shutdown, raising the nation’s debt limit to avoid a default, and providing a disaster relief package for victims of Hurricane Harvey. While the House has made significant progress on its appropriations bills, the Senate has lagged behind. As a result, a continuing resolution (CR) was needed to give Congress more time to work on their FY 2018 spending package.

On September 6th, in a meeting with Senate and House leadership from both parties, President Trump surprised Republicans by siding with Senate Democratic Minority Leader Chuck Schumer (D-NY) and House Minority Leader Nancy Pelosi (D-CA), calling on Congress to attach a three-month CR and debt ceiling increase to the hurricane relief package. While Majority Leader Mitch McConnell (R-KY) expressed support for the deal, House Speaker Paul Ryan (R-WI) was concerned that the deal gives Democrats too much leverage in December when the CR expires. At that time, Congress will also be under pressure to address immigration in the wake of the President’s decision to rescind the Deferred Action for Childhood Arrivals (DACA) program, as well as the President’s border wall proposal.

Nevertheless, the evening of September 6th, Majority Leader Mitch McConnell filed legislation that passed the Senate on September 7 by a vote of 80-17, and passed in the House on September 8 by a vote of 316-90. The President signed the legislation on Friday, which:

- Extends current funding levels through December 8;
- Suspends the debt limit through December 8 — resetting it at a higher level on December 9 to include debt issued while the debt limit was not in effect—and allows Treasury to reset its “extraordinary measures” that give it some extra borrowing capacity, and thus extra time, once it nears the debt limit (which means the next debt ceiling vote could occur sometime in late spring to early fall 2018); and
Provides $7.4 billion for FEMA, $450 million for the Small Business Administration (SBA), and $7.4 billion for HUD’s Community Development Fund “for areas more affected by 2017 disasters.”

While the package averts a government shutdown for now, it potentially sets the stage for a contentious December as Congress must pass an omnibus spending package, begin negotiations to address DACA, and address the President’s request for funding a border wall. The President and Senate Minority Leader Schumer have also agreed to pursue a plan to repeal the debt ceiling altogether in December, which House Speaker Ryan has already said he opposes, jeopardizing the possibility of passing this reform.

Against this backdrop, the House and Senate have continued their work on their respective appropriations bills. Before the August recess, the House passed a $788 billion national security “minibus” package that includes Department of Defense; Energy & Water; Legislative Branch; and Military Construction-Veterans Affairs Appropriations bills for fiscal year (FY) 2018 by a party line vote of 235 to 192. Democrats opposed the inclusion of $1.6 billion, requested by the President, to begin construction of the border wall.

Since coming back into session on September 5th, the House has worked to pass the eight remaining spending bills as a $439 billion minibus spending package. The package, known as the “Make America Secure and Prosperous Act” (H.R. 3354), includes the FY 2018 Transportation-Housing and Urban Development, Agriculture, Commerce-Justice-Science, Financial Services, Homeland Security, Interior-Environment, Labor-HHS-Education, and State-Foreign Operations Appropriations bills. It also includes several contentious provisions, such as expanding the global gag rule (which requires that any overseas organization receiving U.S. aid may not have anything to do with abortion) to all global health programs, and budget cuts to teacher training, law enforcement grants, scientific and research programs, and Planned Parenthood. During consideration on the floor, Republican leadership may add the four-bill, $788 billion national security minibus so that the Senate will receive a $1.2 trillion omnibus appropriations bill that funds the entire federal government.

Thus far, the Senate Appropriations Committee has passed eight bills and is continuing work on the remaining four, which could receive floor consideration this fall. Both the Senate and House are eager to pass a spending package to ensure that the President’s discretionary spending authority is limited.

Last week, the Senate Committee on Appropriations Subcommittee approved the FY 2018 Labor/HHS/Ed funding bill. The Bill provides $164.1 million in base discretionary funding for the Departments of Labor, Health and Human Services and Education. This is $3 million above the FY 2017 level and $27.5 billion above the President’s request. The Senate bill represents approximately $800 million less than total discretionary funding than FY 2017.

This bill also provides for the first increase discretionary increase in the Pell grant in over a decade, a 1.7 percent increase from $5,920 to $6,020 average annual award per student. Of concern, however, the Committee has recommended a $2.6 billion recession of prior year unobligated balances. The Committee report states that Congress has consistently appropriated
more funding than needed for the Pell Grant program, including the reinstatement of Year-round Pell in 2017.

Please see the chart attached for more detailed information about specific program funding levels.

III. Bipartisan Legislation Introduced in House and Senate to Aid Homeless and Foster Youth

On September 13th, Senators Patty Murray (D-WA) and Rob Portman (R-OH), and Representatives Katherine Clark (D-MA) and Don Young (R-AK) introduced the Higher Education Access and Success for Homeless and Foster Youth Act of 2017 in the Senate and House to help homeless and foster kids access higher education opportunities.

The legislation asks colleges and universities and the federal government to work together to improve outreach to and resources for homeless and foster youth, including streamlining FAFSA, clarifying eligibility for financial aid, providing housing options between terms, and designating a single point of contact to help provide services for these vulnerable students. It also requires the U.S. Department of Education to help resolve questions about a student’s independence, publish more transparent data on the number of homeless and foster youth served, and ensure its grant programs identify, recruit and prepare homeless and foster students for college. The bill also asks states to grant in-state tuition rates for those students who haven’t had stable residency.

Among the legislation’s key provisions:

- Eases the verification and determination process for unaccompanied homeless youth or youth who are unaccompanied, self-supporting, and at risk of being homeless, and foster children and youth;

- Removes the unnecessary and burdensome requirement that unaccompanied students must have their status re-determined every year unless conflicting information exists;

- Retains important documentation paperwork that often gets lost for homeless and foster youth, and can jeopardize access to financial aid and other critical supports;

- Clarifies that youth under age 24 who are determined to be unaccompanied or homeless are considered independent students and can get the full financial aid they need;

- Clarifies that foster care support and services that help foster youth survive do not count as “income” for purposes of calculating financial aid; and

- Provides homeless and foster youth in-state tuition rates to reduce barriers to college attendance due to lack of financial support.
It also encourages higher education institutions to:

- Develop a plan to assist homeless and foster youth in accessing campus housing resources during and between academic terms;
- Communicate the resources and financial aid available to homeless and foster youth;
- Designate a single point of contact to assist homeless and foster youth in accessing institutional and community services and to support their ability to complete higher education;
- Include homeless and foster youth in the data collected by college access programs and identify ways they can further support student retention and success; and
- Collaborate with child welfare agencies, homeless service providers, and school district homeless liaisons to identify, conduct outreach to, and recruit homeless and foster youth to college.

IV. House Democrats Introduce America’s College Promise Act of 2017

On September 7th, Representative Bobby Scott, Ranking Democrat on the House Committee on Education and Workforce introduced the America’s College Promise Act of 2017 that would make two years of community college free and provide an affordable pathway to a four-year college degree for low-income students. Co-sponsoring the legislation with Scott are Representative Susan Davis (D-CA), Representative Donald Norcross (D-NJ), Representative Seth Moulton (D-MA) and Representative Anthony Brown (D-MD).

The bill provides a federal match of $3 for every $1 invested by the state to waive community college tuition and fees for eligible students for either the first two years. Low-income students who are enrolled in minority-serving institutions can use this option the last two years of college.

This bill will create partnerships between the federal government and states to make skills development and a meaningful credential affordable for all students – whether they are recent high school graduates or established workers looking to retrain to be competitive in the marketplace.

Under America’s College Promise (ACP):

- The federal government will partner with states (75/25 percent cost share) to provide tuition- and fee-free community college to all students.
- Students must attend school on a part-time basis and maintain satisfactory academic progress at a minimum.
States must make evidence-based reforms of their public higher education systems, ones that are focused on improving completion and other student outcomes.

The federal government will provide grants to cover a significant portion of tuition and fees for the first two years of attendance for low-income students enrolling at qualifying Minority Serving Institutions (MSIs).

Students must attend school on a part-time basis and make satisfactory academic progress at a minimum.

In return the MSIs must undertake reforms focused on improving completion and other student outcomes.

V. Second Anniversary of College Promise Campaign

This month marks the second anniversary of the College Promise campaign, which was launched by the Obama Administration. Since its launch in September 2015, the number of such programs – including in cities such as San Francisco, Lansing, Mich., and Boston – has quadrupled to nearly 200 in 40 states. The last year has seen the creation of at least 50 programs in small communities, large cities and across some states. It has been reported that at least five states, including several controlled by Republicans, have created free college plans, or expanded existing programs.

VI. Senator Harris Introduces Legislation Penalizing For-Profit Colleges

California Senator Kamala Harris introduced legislation last week that aims to protect students from deceptive practices and bad actors at for-profits colleges. The Students Before Profits Act ensures students have access to important and accurate information, strengthens oversight and regulation, and holds for-profit schools and their executives accountable for violations and poor performance.

"For-profit colleges like Corinthian engaged in systemic fraud and preyed on students by falsely promising a meaningful education that would lead to a job. Corinthian’s predatory behavior lined its pockets with profit at the expense of shattered dreams and mountains of bad debt for its students,” said Harris. “That’s why I sued them as Attorney General, and then worked with the Department of Education to forgive the loans for those young adults. It’s clear this Administration believes a quality education is a privilege, not a right, so we must fight to protect our students from deceptive practices.”

The Students Before Profits Act:

- Authorizes enhanced civil penalties on institutions and their executive officers if it is determined that the institution misrepresented its cost, admission requirements, completion rates, employment prospects or default rates, and uses those penalties to fund a Student Relief Fund to help defrauded students;
• Improves oversight of default rate manipulation by requiring the Secretary of Education to use corrected data to recalculate student loan cohort default rates for institutions of higher education that have engaged in default manipulation and make determinations on whether an institution should be disqualified from participating in financial aid programs;

• Makes college executives share the risk, giving the Department of Education broader discretion to require owners and executives to assume personal liability for financial losses associated with Title IV funds and including executives and owners among those against whom the Department can pursue a claim after discharging borrowers’ debts;

• Prevents “repeat offenders” by prohibiting board members and executive officers of an institution against which the Department has brought an enforcement action from serving in leadership positions at another college.
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<th>Programs</th>
<th>FY 2017</th>
<th>President’s FY 2018</th>
<th>House FY 2018</th>
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Subject: Health and human services

Summary: This bill makes technical, clarifying changes to health and human services programs consistent with the Budget Act of 2017.

Proposed Law: The bill makes technical and clarifying statutory revisions affecting health and human services programs necessary to implement the Budget Act of 2017. Specifically, this bill does the following:

1) In-Home Supportive Services (IHSS). Makes technical and clarifying changes to realignment and bargaining code sections related to previous changes made in SB 90 (Committee on Budget and Fiscal Review), Chapter 25, Statutes of 2017, to use redirected Vehicle License Fee growth from the Health, County Medical Services Program, and Mental Health subaccounts to provide additional resources for IHSS to offset General Fund costs incurred due to the discontinuation of the Coordinated Care Initiative. Specifically, these changes ensure that caseload growth is calculated correctly, clarify that 2016-17 sales tax growth revenues be available to offset IHSS costs after paying for caseload growth, and clarify that a county that is above the minimum wage can negotiate a wage supplement and specifies when the second step of the wage supplement would be applied.

2) Deferred Action for Childhood Arrivals (DACA). Provides $20 million to the Department of Social Services (DSS) for immigration services funding, which will be available to existing providers for work on behalf of DACA clients.

3) Skilled Nursing Facility Supplemental Payments. Clarifies that skilled nursing facilities receiving a waiver from new clinical staffing requirements must continue to meet the previous staffing requirements to be eligible to participate in Medi-Cal’s Quality and Accountability Supplemental Payment Program. This program withholding a portion of facilities’ reimbursement rates to provide a supplemental payment to facilities with demonstrated quality of care improvements.

4) San Jose Coyote Creek Funding. Clarifies that DSS shall allocate the $5.4 million General Fund dollars appropriated in SB 89 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2017, in a single payment to the Controller, to the City of San Jose, for purposes of assisting homeless and low-income individuals displaced by the Coyote Creek flooding that occurred in February 2017.
Fiscal Effect: This bill appropriates $20 million to DSS for immigration services funding contractors doing work related to DACA. The funding related to the other changes in this bill is contained in the Budget Act of 2017.

-- END --
Subject: Budget Act of 2017

Summary: This bill provides changes and corrections associated with the Budget Act of 2017, related to the cap-and-trade expenditure plan and higher education.

Proposed Law: Specifically, this bill:

1) Includes $900 million from the Greenhouse Gas Reduction Fund for the Air Resources Board (ARB), including:

   a) $85 million for grants, rebates, and incentives for agricultural equipment, trucks, and tractors to reduce agricultural sector emissions.

   b) Up to $140 million for the Freight Equipment Advanced Demonstration and Pilot Commercial Deployment Project, including projects for ships at berth and including provisional language prohibiting purchase of fully automated cargo handling equipment.

   c) Up to $180 million for the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program, including at least $35 million for buses and provisional language requiring ARB to consider technology innovations in engines and market demand.

   d) Up to $140 million for the Clean Vehicle Rebate Program, including provisional language to require the ARB to work with the secretary of labor and Workforce Development Agency to develop procedures for certifying manufacturers of vehicles included in the program are fair and responsible in the treatment of workers, and language that sets income limits consistent with Health and Safety Code Section 44274.3.

   e) Up to $100 million for the Enhanced Fleet Modernization Program and Plus-Up Pilot Project, replacement of school buses, Clean Vehicle rebate Project (CVRP) rebates for low-income applicants, and light-duty equity projects pursuant to SB 1275 (de León), Chapter 530, Statutes of 2014.

   f) Up to $5 million for technical assistance grants for community organizations.

   g) Up to $250 million to local air districts for the Carl Moyer Program and to incentivize clean trucks in accordance with ARB's Proposition 1B Guidelines.
2) Provides $1 million General Fund and $2 million General Fund for the University of California (UC) and California State University (CSU) respectively, to be used for the California DREAM Loan Program.

3) Provides $7 million one-time Proposition 98 General Fund for community colleges to provide emergency student aid to students with identified needs who are exempt from paying nonresident tuition under Section 68130.5 of the Education Code, and apply for financial aid using the Dream Act application. Funding for community colleges will be distributed based on the number of students enrolled who are exempt from paying nonresident tuition under Section 68130.5 of the Education Code. Additionally, colleges that receive funding are required to report to the Chancellor’s Office regarding the number of students served and the amount of financial aid provided.

Fiscal Effect: This bill provides $900 million from the Greenhouse Gas Reduction Fund, $3 million General Fund, and $7 million Proposition 98 General Fund, for specified purposes.

-- END --
THIRD READING

Bill No: AB 21
Author: Kalra (D), Chiu (D), and O'Donnell (D), et al.
Amended: 9/8/17 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 5-0, 6/28/17
AYES: Allen, Galgiani, Leyva, Mendoza, Pan
NO VOTE RECORDED: Wilk, Vidak

SENATE JUDICIARY COMMITTEE: 5-2, 7/11/17
AYES: Jackson, Hertzberg, Monning, Stern, Wieckowski
NOES: Moorlach, Anderson

SENATE APPROPRIATIONS COMMITTEE: 5-2, 9/1/17
AYES: Lara, Beall, Bradford, Hill, Wiener
NOES: Bates, Nielsen

ASSEMBLY FLOOR: 55-23, 6/1/17 - See last page for vote

SUBJECT: Public postsecondary education: Access to Higher Education for Every Student

SOURCE: Author

DIGEST: This bill requires the California State University (CSU), California Community Colleges (CCC) and each Cal Grant eligible independent institution of higher education and requests the University of California (UC) to establish various policies and actions to be implemented by postsecondary institutions in California that safeguard against immigration enforcement activities on campuses.

Senate Floor Amendments of 9/8/17 make the notify and refer provisions advisory rather than required, remove faculty/staff indemnity since notify and refer provisions are no longer required, clarify that campuses designate rather than assign a point of contact for undocumented students, delete language delaying implementation until 2020 and require colleges and universities to adopt and
implement the model policy developed by the Attorney General or an equivalent policy pursuant to the California Values Act.

ANALYSIS:

Existing federal law:

1) Provides that any authorized immigration officer may at any time issue Immigration Detainer-Notice of Action, to any other federal, state, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department of Homeland Security (DHS) seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the DHS, prior to release of the alien, in order for the DHS to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible (8 Code of Federal Regulations (CFR) § 287.7(a)).

2) States that upon a determination by the DHS to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the DHS (8 CFR § 287.7(d)).

3) Authorizes the Secretary of Homeland Security under the 287(g) program to enter into agreements that delegate immigration powers to local police. The negotiated agreements between Immigration and Customs Enforcement (ICE) and the local police are documented in memorandum of agreements (8 United States Code (U.S.C.) § 1357(g)).

4) States that notwithstanding any other provision of Federal, State or local law, a Federal, State or local government entity or official may not prohibit, or in any way restrict any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service (INS) information regarding the citizenship or immigration status, lawful or unlawful of any individual (8 U.S.C. § 1373(a)).

5) States that notwithstanding any other provision of Federal, State or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the INS information regarding the immigration status, lawful or unlawful, of an alien in the United States (8 U.S.C. § 1644).
6) Provides that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws (U.S.C. 14th Amendment).

Existing state law:

1) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC, CSU, and CCC; and, defines "independent institutions of higher education" as nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in California and are accredited by an agency recognized by the United States Department of Education (Education Code (EC) § 66010, et seq.).

2) Requires the CCC Board of Governors (BOG) to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the state; and, requires that the work of the BOG shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCCs (EC § 70901).

3) Grants CSU Trustees regulatory authority over the CSU (EC § 89030, et seq.).

4) Grants the UC Regents regulatory authority over the UC (EC § 92440, et seq.).

5) Exempts, as established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001), specified California nonresidents from paying nonresident tuition at the UC, CSU, and the CCC if they meet certain requirements. (EC § 68130.5)

6) Provides that AB 540 students are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law and are eligible to receive a scholarship derived from non-state funds, for purposes of scholarships, by the segment at which he or she is a student. (EC § 69508.5 and 66021.7)

7) Defines "immigration hold" as "an immigration detainer issued by an authorized immigration officer, pursuant to specified regulations, that requests the law enforcement official to maintain custody of the individual for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, and to advise the authorized immigration officer prior to the release of that individual" (Government Code (GOV) § 7282 (c)).
8) Provides that a law enforcement official has the discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy and only under specified circumstances (GOV § 7282.5).

9) Provides that, before any interview between ICE and an individual in local law enforcement custody regarding civil violations, law enforcement must provide the individual with specified information, and requires specified notification to the individual if law enforcement intends to comply with an ICE hold or notify ICE that the individual is being released (GOV § 7283.1).

This bill:

1) Requires the CSU, CCC and each Cal Grant eligible independent institution of higher education and requests the UC to do all of the following to the fullest extent consistent with state and federal law:

   a) Refrain from releasing personally identifiable information about students, faculty and staff except as specified.

   b) Advise all students, faculty and staff:

      i) To notify the campus chancellor or president or designee as soon as possible if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.

      ii) Responding to or having contact with an immigration officer executing a federal immigration order, to refer the entity or individual to the campus chancellor or president for purposes of verifying the legality of any warrant, court order, or subpoena.

   c) Notify, as soon as possible, the person’s emergency contact that the person has been taken into custody, if there is reason to suspect that a student, faculty or staff person has been taken into custody as a result of an immigration enforcement action.

   d) Comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant, as specified.
e) Designate a staff person to serve as a point of contact for any student, faculty or staff person who may be subject to an immigration order or inquiry on campus. Unless disclosure is permitted by state and federal education privacy law, faculty and staff persons are prohibited from discussing the personal information of any student, faculty or staff person or revealing that personal information, including immigration status.

f) Maintain a contact list of known legal services providers who provide legal immigration representation, as specified.

g) Adopt and implement, by March 1, 2019, the model policy developed by the Attorney General or an equivalent policy pursuant to the California Values Act, limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.

h) Post on its Internet Web site in a conspicuous location, and provide via email quarterly or each semester to all students, faculty and staff:

i) A copy of the policy adopted for limiting assistance with immigration enforcement as referenced in g) above.

ii) Guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order.

i) Update the specified information posted on the Internet Web site to reflect changes to federal and state immigration laws and university or college policies and procedures.

j) In the event that an undocumented student is subject to a federal immigration order, ensure that both of the following occur:

i) That the college or university make all reasonable efforts to assist the undocumented students in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other education projects, housing stipends or services, or other benefits he or she has been awarded or received, and permit the student to be enrolled if and when the student is able to return to the college or university, in the event that the student is detained, deported, or is unable to attend to his or her academic requirements due to actions of an immigration officer or in relation to the immigration order.
ii) That staff is available to assist, in a sensitive manner undocumented students, faculty and staff who may be subject to a federal immigration order or inquiry or who may face similar issues and whose education or employment is at risk because of federal immigration action.

2) Defines, “immigration office,” to mean any state, local, or federal law enforcement officer who is seeking to enforce immigration law.

Background

1) On June 15, 2012, the Secretary of Homeland Security, under the direction of President Obama, announced the Deferred Action for Childhood Arrivals (DACA) policy, authorizing certain people who came to the United States as children and meet several guidelines to request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status. Early this month the administration decided to terminate the DACA program within 6 months.

Comments

1) Need for the bill. According to the author, “with great risks of changes to immigration policies and enforcement at the federal level, it is more important than ever to protect students attending California’s colleges and universities from scrupulous and unfair immigration actions. In order to ensure that all students, regardless of their immigration status, may continue to take advantage of the education to which they are entitled, free from intimidation or risk of a loss of access to resources and programs that other students enjoy, legislative action is needed.”

This bill seeks to establish minimum protections for students, faculty and staff that will mitigate the impacts of potential immigration enforcement activities by requiring public and independent postsecondary institutions to put in place various policies and procedures for when law enforcement entities enter campus for purposes of enforcing immigration law.

2) Related activity by the higher education segments. The state has demonstrated a willingness to invest in undocumented students by qualifying them for state aid programs, resident tuition, among other things. In addition to these policies, enactment of federal DACA under the Obama administration made college graduation more attainable for undocumented students in California. Earlier this
year, the new Trump administration issued two executive orders with regard to increased border security and stricter enforcement of immigration laws. As mentioned, early this month the administration decided to terminate of DACA within six months. These actions at the federal level regarding immigration enforcement activity have put vulnerable college students on edge. In response, the leaders of California’s public postsecondary institutions made statements and implemented policies to address growing concerns on campus.

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

According to the Senate Appropriations Committee:

- The bill is likely to impose a reimbursable state mandate on community college districts to comply with its provisions, potentially in the millions to low tens of millions of dollars in annual Proposition 98 General Fund. The extent of the mandate is unknown and would depend on the frequency and nature of federal immigration enforcement activities dealing with students attending the community colleges.

- There may also be unknown but significant General Fund cost pressures for CSU and UC to comply with the bill’s provisions. However, both UC and CSU indicate that any costs would be minor and absorbable within existing resources.

- The Department of Justice indicates unquantifiable but potentially significant costs as a result of this bill. There could be an increase in litigation workload, whether by way on injunction against the community colleges challenging their policy of limiting assistance with immigration enforcement or enforcement of a subpoena or warrant.

**SUPPORT:** (Verified 9/11/17)

Alliance for Boys and Men of Color  
California Faculty Association  
California Immigrant Policy Center  
California Labor Federation  
California State Student Association  
California Health+Advocates  
National Association of Social Workers, California Chapter  
Promesa Boyle Heights  
Service Employees International Union  
Southeast Asia Resource Action Center
OPPOSITION: (Verified 9/11/17)
None received

ASSEMBLY FLOOR: 55-23, 6/1/17
AYES: Aguiar-Curry, Arambula, Berman, Bloom, Bocanegra, Bonta, Burke, Caballero, Calderon, Cervantes, Chau, Chiu, Chu, Cooper, Dababneh, Daly, Eggman, Frazier, Friedman, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Levine, Limón, Low, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago, Mark Stone, Thurmond, Ting, Weber, Wood, Rendon
NOES: Acosta, Travis Allen, Baker, Bigelow, Brough, Chávez, Chen, Cunningham, Dahle, Flora, Fong, Gallagher, Harper, Kiley, Maienschein, Mathis, Mayes, Melendez, Obernolte, Patterson, Steinorth, Voepel, Waldron
NO VOTE RECORDED: Choi, Cooley

Prepared by: Olgalilia Ramirez / ED. / 9/11/17 20:07:34

**** END ****
ASSEMBLY BILL No. 21

Introduced by Assembly Member Kalra, Members Kalra, Chiu, and O’Donnell
(Coauthors: Assembly Members — Chiu, Bonta, Chau, Chu, Cristina Garcia, Limón, and Santiago Muratsuchi, Santiago, and Ting)

(Coauthors: Senators Hernandez and Pan)

December 5, 2016

An act to add Article 11 (commencing with Section 66093) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California, under the administration of the Regents of the University of California; the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges; and independent institutions of higher education as the 4 segments of postsecondary education in this state.

Existing provisions of the Donahoe Higher Education Act set forth the missions and functions of these 4 postsecondary educational segments. No provision of the Donahoe Higher Education Act applies to the University of California except to the extent that the regents, by appropriate resolution, make that provision applicable.

This bill would express findings and declarations of the Legislature relating to the possible impacts on public postsecondary educational institutions in this state of changes in federal immigration policies and enforcement.

The bill would add to the Donahoe Higher Education Act provisions that would require the Trustees of the California State University, the governing boards of community college districts, and independent institutions of higher education that are qualifying institutions for purposes of the Cal Grant Program, and would request the regents, to the fullest extent consistent with state and federal law, to: refrain from disclosing personal information concerning students, faculty, and staff, except under specified circumstances; advise all students, and require each member of the faculty, and staff to immediately notify the office of the chancellor or president, or his or her designee, as soon as possible, if the student, or faculty or staff member, he or she is advised that public or law enforcement entities are an immigration officer, as defined, is expected to enter, or have entered, the campus to execute a federal immigration order; notify, as soon as possible, the emergency contact of a student, faculty, or staff person if there is reason to suspect that the person has been taken into custody as the result of an immigration enforcement action; comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant, except as specified; advise all students, and require all faculty, and staff responding to or having contact with a representative of a public or law enforcement entity an immigration officer executing a federal immigration order, to promptly refer the entity or individual to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any
warrant warrant, court order, or subpoena; comply with requests from an agent or employee of specified immigration, customs, and border protection agencies for student, faculty, or staff records or access to campus only upon presentation of a valid subpoena or judicial warrant; as appropriate; assign designate a staff person to serve as a point of contact for those who may be subject to immigration actions; solicit actions, as specified; maintain a contact list of known attorneys or legal services providers who provide pro-bono legal immigration representation, and provide it free of charge to any and all students who request it; adopt and implement, by March 1, 2020, a policy 2019, the model policy developed by the Attorney General or an equivalent policy pursuant to a specified statute, limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law, as specified; post on its Internet Web site, and provide via email quarterly or each semester to all students, faculty, and staff, and update as often as is necessary, a copy of the policy referenced above, and guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order; and ensure that certain benefits and services provided to undocumented students who qualify for exemption from nonresident tuition pursuant to a specified statute are continued in the event that they are subject to a federal immigration order.

The bill would express the intent of the Legislature that the provisions of the bill be funded, commencing with the 2019–20 fiscal year, through appropriations for these purposes in the annual Budget Act.

The provisions of the bill would become operative on July 1, 2019.

Because this bill would create new duties for community college districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 66093) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 11. Access to Higher Education for Every Student

66093. (a) The Legislature finds and declares all of the following:

(1) California’s colleges and universities have traditionally been beacons of free thought that challenge students in a peaceful, safe environment. Its institutions of higher education have always been of great pride to the State of California.

(2) With great risks presented by changes to immigration policies and enforcement at the federal level, it is more important than ever to work to protect the students, faculty, staff, and the public, and ensure that, regardless of their immigration status, they can continue to take advantage of the education to which they are entitled, and are free from intimidation or loss of access to resources and programs that other students enjoy.

(3) It is imperative that California put necessary protections in place, and show it will take the necessary steps to ensure that the state’s students, faculty, staff, and the public have every opportunity to continue their education without fear or undue risk.

(4) In doing so, California reaffirms the principles that the attainment of education for the betterment of the individual and the community is paramount, regardless of one’s immigration status. It is in the country’s best interests, as a nation of immigrants, which has benefited greatly from immigrants of all walks and backgrounds, to ensure that those who pursue educational and academic growth may further contribute to the productivity of this great state and nation.

(b) Therefore, it is the intent of the Legislature to enact legislation to enact the policies set forth in Section 66093.3 to ensure that California’s public and private institutions of higher education strive to foster a campus community that is safe, welcoming for all, and provides access to services and supports for all students, faculty, and staff regardless of their immigration status.
66093.3. The Trustees of the California State University, the
governing board of each community college district in the state,
and each independent institution of higher education that is a
qualifying institution as defined in subdivision (l) of Section
69432.7, shall, and the Regents of the University of California are
requested to, do all of the following to the fullest extent consistent
with state and federal law:
(a) Refrain from disclosing personal information about students,
faculty, and staff except: (1) as required by law; (2) with the
consent of the person identified, or if the person is under 18 years
of age, with the consent of the parent or guardian of the person
identified; (2) as may legally be disclosed under state and federal
privacy laws; (3) for the programmatic purpose for which the
information was obtained; (4) as part of a directory that does not
include residence addresses or individual students' course
schedules and that the person has not elected to opt out of; or (5) in
response to a judicial warrant, court order, or subpoena.
(b) Advise all students, and require each member of the faculty
and staff, to immediately notify the office of the chancellor or president, or his or her designee, as soon as possible, if he or she is advised that public or law enforcement entities are an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order.
(c) If there is reason to suspect that a student, faculty, or staff
person has been taken into custody as a result of an immigration
enforcement action, the college or university, as soon as possible, shall notify the person's emergency contact that the person has been taken into custody.
(d) Comply with a request from an immigration officer for access
to nonpublic areas of the campus only upon presentation of a
judicial warrant. This subdivision shall not apply to an immigration
officer's request for access or information related to the operation
of international student, staff, or faculty programs, employment
verification efforts, or other nonenforcement activities.
(e) Advise all students, and require all faculty, staff, responding to or having contact with a representative of a public
or law enforcement entity, an immigration officer executing a
federal immigration order, to promptly refer the entity or individual
to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

(2) No student, faculty, or staff member may be subject to administrative or academic discipline for responding to a federal immigration order in accordance with this subdivision.

(d) Comply with a request for student, faculty, or staff records from an agent or employee of the federal Immigration and Customs Enforcement or customs and border protection agencies only upon presentation of a valid subpoena. This provision shall not be construed to restrict or interfere with compliance and interaction with federal immigration officers in relation to the operation of international student or faculty programs.

(e) Comply with a request for access to the campus from an agent or employee of the federal Immigration and Customs Enforcement or customs and border protection agencies only upon presentation of a judicial warrant. This provision shall not be construed to restrict or interfere with compliance and interaction with federal immigration officers in relation to the operation of international student or faculty programs.

(f) Assign a staff person, or multiple staff persons as necessary, to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus. Unless the disclosure is required by law, staff permitted by state and federal education privacy law, faculty and staff persons shall be prohibited from discussing the personal information, including immigration status information, of any student, faculty, or staff person with anyone, or revealing that immigration status to anyone, except as may be required to fulfill a university or college academic, programmatic, or service need for the individual. Nothing in this subdivision shall be construed to require a college or university to hire staff to fulfill the requirements of this subdivision.

(g) Solicit and maintain a contact list of known attorneys or legal services providers who provide pro bono legal immigration representation, and provide it free of charge to any and all students who request it. The list shall include, but not necessarily be limited to, the organization’s name and contact
number, the attorney’s name, photograph if available, telephone 
and cellular telephone numbers, email address, and office address.

(h) Adopt and implement, by March 1, 2020, a policy 2019, the 
model policy developed by the Attorney General or an equivalent 
policy pursuant to the California Values Act (Chapter 17.25 
(commencing with Section 7284) of Division 7 of Title 1 of the 
Government Code), limiting assistance with immigration 
employment to the fullest extent possible consistent with federal 
and state law.

(i) (1) Post on its Internet Web site in a conspicuous location, 
and provide via email quarterly or each semester to all students, 
faculty, and staff:
(A) A copy of the policy developed adopted pursuant to 
subdivision (h).
(B) Guidance informing them of their rights under state and 
federal immigration laws and how to respond to a federal 
immigration action or order.

(2) Update the information posted on its Internet Web site 
pursuant to paragraph (1) as often as is necessary to reflect any 
changes to federal and state immigration laws and university or 
college policies and procedures.

(j) In the event that a student enrolled pursuant to Section 
68130.5 an undocumented student is subject to a federal 
immigration order, ensure that both of the following occur:

(1) In the event that students to whom Section 68130.5 is 
applicable are an undocumented student is detained, deported, or 
are is unable to attend to their his or her academic requirements 
due to the actions of a public law enforcement agency, federal 
immigration and customs enforcement, or other public entity an 
immigration officer in relation to a federal immigration order, to 
the greatest extent possible, they retain the college or university 
shall make all reasonable efforts to assist the student in retaining 
any eligibility for financial aid, fellowship stipends, exemption 
from nonresident tuition fees, funding for research or other 
educational projects, housing stipends or services, or other benefits 
they have he or she has been awarded or received and are permitted 
received, and permit the student to be reenrolled if and when 
students are the student is able to return to the college or university. 
It is the intent of the Legislature that, in implementing this 
paragraph, California colleges and universities make every effort
reasonable and good-faith efforts to provide for a seamless transition in a student's reenrollment and reacquisition of campus services and supports.

(2) That staff is available to assist, in a sensitive manner, students to whom Section 68130.5 is applicable, undocumented students, and other students, faculty, and staff who may be subject to a federal immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of federal immigration actions.

(k) For purposes of this article, “immigration officer” means any state, local, or federal law enforcement officer who is seeking to enforce immigration law.

66093.5. It is the intent of the Legislature that the provisions of this article shall be funded, commencing with the 2019-20 fiscal year, through appropriations for these purposes in the annual Budget Act.

66093.7. This article shall become operative on July 1, 2019.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
Bill No: AB 19  
Author: Santiago (D), Chiu (D) and McCarty (D), et al.  
Amended: 9/8/17 in Senate  
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 7/12/17  
AYES: Allen, Wilk, Galgiani, Leyva, Mendoza, Pan, Vidak

SENATE APPROPRIATIONS COMMITTEE: 5-2, 9/1/17  
AYES: Lara, Beall, Bradford, Hill, Wiener  
NOES: Bates, Nielsen

ASSEMBLY FLOOR: 56-18, 5/31/17 - See last page for vote

SUBJECT: Community colleges: California College Promise

SOURCE: Author

DIGEST: This bill establishes the California College Promise, to be administered by the Chancellor of the California Community Colleges which shall distribute funding, upon appropriation by the Legislature, to each community college meeting the specified requirements to be used to accomplish certain goals and waive the $46 per unit fee for one academic year for first-time students.

Senate Floor Amendments of 9/8/17 recast the bill’s provisions to establish a new article under Chapter 2 of Part 47 of Divisions 7 of Title 3 of the Education Code known as the California College Promise. The amendments also modify the process for the distribution of funds designated for the College Promise Program and requires advancement certain goals as a condition for program participation.

ANALYSIS:

Existing law:

1) Establishes a $46/unit fee for students at the California Community College (CCC). Existing law also requires a waiver of these fees (Board of Governors
(BOG) fee waiver) for students who meet specified income requirements based on any of the following criteria:

a) At the time of enrollment, the student is a recipient of benefits under the Temporary Assistance for Needy Families program, the Supplemental Security Income/State Supplementary Payment Program, or a general assistance program.

b) Demonstrates eligibility according to income standards established by regulations of the BOG.

c) Demonstrates financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid. (Education Code § 76300)

2) Provides, additionally, for waiver of fees for certain types of students, including:

a) Students enrolled in specified public benefit programs.

b) Homeless students.

c) Dependents or surviving spouses of California National Guard members, either killed or who died from a permanent disability, as a result of service to the state.

d) Surviving spouse or child of a California law enforcement officer or firefighter killed in the performance of active law enforcement or fire suppression duties or who died as a result of performing those duties.

e) The dependent of any California resident killed in the September 11, 2001, terrorist attacks.

f) The child of a United States military veteran who has a service-connected disability or was killed in action or died of a service-connected disability. (EC § 66025.3.)

g) The child of a recipient of the Congressional Medal of Honor. (EC § 66025.3.)

3) Provides funding through state apportionments, pursuant to provisional language in the annual budget act, to offset districts’ loss of fee revenue due to the BOG waiver.
4) Provides Cal Grant B Entitlement awards to students meeting specified income and asset thresholds, having at least a 2.0 GPA and applying either the year they graduate from high school or the following year. Awardees are entitled to a living allowance and tuition and fee assistance. Awards for first-year students are limited to an allowance for books and living expenses ($1,678). In the second and subsequent years, the award also provides tuition and fee support. (EC § 69435)

5) Establishes the Full-Time Student Success Grant, which supplements the Cal Grant B access award by $300 per semester for each CCC student enrolled in 12 or more units. This ongoing program was established in the 2015-16 Budget Act (AB 93, Weber).

This bill:

1) Establishes the California College Promise, to be administered by the Chancellor of the CCCs.

2) Requires the Chancellor, upon appropriation by the Legislature, to distribute funding to community college districts to fund colleges that satisfy the requirements outlined in this bill.

3) Requires the Chancellor to establish a funding formula as described, that advances the specified goals and include, but not be limited to, both of the following factors:

   a) Number of full-time equivalent students at a community college.

   b) Number of students at a community college who satisfy the requirements to receive federal Pell Grants and the requirements established in Section 68130.5.

4) Declares the Legislature’s intent that the California College Promise support the CCCs in accomplishing all of the following goals:

   a) Increasing the number and percentage of high school students who are prepared for and attend college directly from high school and increasing the percentage of high school graduates who are placed directly into transfer-level mathematics and English courses at a community college.
b) Increasing the percentage of students who earn associate degrees or career technical education certificates that prepare them for in demand jobs and increasing the percentage of students who report being employed in their field of study.

c) Increasing the percentage of students who successfully transfer from a community college to the California State University or the University of California and increasing the percentage of students who graduate from college with a baccalaureate degree.

d) Reducing and eliminating regional achievement gaps and achievement gaps for student groups that are underrepresented at the CCCs.

5) Requires, as a condition for participating in the California College Promise, a community college to advance the goals outlined above in 4) and include all of the following:

a) Partnering with one or more local educational agencies to establish an Early Commitment to College program that is consistent with existing law to provide K-12 students and families assistance that includes, but is not limited to, learning about college opportunities, visiting campuses, taking and completing college preparatory courses, and applying for college and financial aid.

a) Partnering with one or more local educational agencies to support and improve high school student preparation for college and reduce postsecondary remediation.

b) Utilizing evidence-based assessment and placement practices at the community college that include multiple measures of student performance.

c) Participating in the California Community College Guided Pathways Grant Program established under current law.

d) Maximize student access to need-based financial aid as specified.

6) Provides for funding to be distributed to a community college that has been certified by the Chancellor as meeting the requirements established by the provisions of this bill.
7) Authorizes a community college eligible to participate in the program to use funding appropriated to waive for one academic year some or all of the fees for first-time community college students who are enrolled at the college full-time, and submit either a Free Application for Federal Student Aid or a California Dream Act application.

8) Specifies that the fee waiver only be waived for the summer term and each semester or quarter of the year in which the student maintains full-time status.

9) Specifies that the fee waiver is not available to students subject to out-of-state tuition fees.

10) Authorizes the board of governors to adopt regulations implementing the California College Promise, as specified.

11) Declares the Legislature’s intent to appropriate sufficient funds to be allocated to each community college to waive all student fees and that funding provided to support the California College Promise be used by the community college to advance the specified goals.

12) Defines various terms for the purposes of this bill.

**Comments**

1) **Rationale for the bill.** According to the author, “California faces an estimated shortage of one million college-educated workers needed to sustain the state’s workforce. The bill is motivated by the multiple promise programs proposed or enacted across the U.S. These proposals have prompted extensive debate across the nation on college access and affordability. Realizing the benefits of such programs, many community college districts throughout California and across the U.S. have implemented local Promise Programs. These programs have been demonstrated to expand access to financial, promote equity, increase enrollment, improve academic performances and boost college completion rates.” The requirements established by the bill extend the provision of fee waivers to a first-time community college student enrolled full-time within a CCC district that enters into local partnership agreements as specified.

2) **Existing tuition-free program at CCCs.** Unlike other states, California has had a tuition-free program since 1984. Under current law, The BOG Fee Waiver is available specifically for low-income students at CCCs. The BOG Fee Waiver will waive the per-unit enrollment fee (currently $46) at any community college throughout the state. A full-time or part-time community college student who is a California resident, or to be exempt from non-resident fees under AB 540, has
financial need based on federal review, receives Temporary Assistance for Needy Families, the Supplemental Security Income/State Supplementary Payment, General Assistance, or meet the specified income standards may qualify for the waiver for the BOG Fee Waiver. Students may apply for a BOG Fee Waiver at any time and receive it for as long as they are eligible to take courses, there is no minimum credit requirement and the fee waiver is applied to any course for which a student must pay the enrollment fee.

3) Who benefits from the proposed waiver program? This bill establishes a fee waiver program based on a student’s full-time enrollment. The only criteria to be met are that students complete a Free Application for Federal Student Aid application, met enrollment requirements (i.e. first-time, full-time) and attend a CCC district that partners with a school district or four-year public university. Traditionally, the state has supported need-based financial aid. As drafted, this bill would extend a new fee waiver for one year to all qualifying recipients without any determination of financial need. Since low-income students already qualify for the BOG Fee Waiver, the new waiver proposed in this bill is likely to provide the greatest benefit to students who are less needy and/or those that have the ability to pay.

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

According to the Senate Appropriations Committee, “While the provisions of the bill would be subject to an appropriation, the Chancellor’s Office estimates that waiving the fees for first-time students for an entire year would cost approximately $31.1 million in Proposition 98 General Fund. This estimate assumes that an additional 19,000 community college students would qualify for a fee waiver, which is based on the number of resident students enrolled in 2014-15 who met the requirements of this bill and did not receive a fee waiver. To the extent that additional students elect to enroll at the community colleges as a result of this measure, the estimate would be higher.”

SUPPORT: (Verified 9/8/17)

Lieutenant Governor Gavin Newsom
American Federation of State, County and Municipal Employees
California Alternative Payment Program Association
California Federation of Teachers
California Nurses Association
California Teachers Association
Children’s Defense Fund
Central City Association of Los Angeles
Faculty Association of California Community College
Long Beach City College
Los Angeles Community College District
Los Rios Community College Districts
North Orange Community College District
Peralta Community College Districts
San Bernardino Community College District
San Diego Community College District
San Francisco Community College District
San José Evergreen Community College District
Santa Monica College

**OPPOSITION:** (Verified 9/8/17)

None received

**ASSEMBLY FLOOR:** 56-18, 5/31/17

**AYES:** Aguiar-Curry, Arambula, Berman, Bloom, Bocanegra, Bonta, Burke, Caballero, Calderon, Cervantes, Chau, Chiu, Chu, Cooley, Cooper, Dababneh, Daly, Frazier, Friedman, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago, Mark Stone, Thurmond, Ting, Weber, Wood, Rendon

**NOES:** Acosta, Travis Allen, Baker, Bigelow, Brough, Chávez, Dahle, Flora, Fong, Gallagher, Harper, Kiley, Mathis, Mayes, Obernolte, Patterson, Voepel, Waldron

**NO VOTE RECORDED:** Chen, Choi, Cunningham, Eggman, Melendez, Steinorth

Prepared by: Olgalilia Ramirez / ED. /
9/11/17 12:35:08

**** END ****
Introduced by Assembly Members Santiago, Chiu, and McCarty
(Principal coauthors: Assembly Members Eduardo Garcia, Gipson,
O’Donnell, and Quirk-Silva)
(Principal coauthor: Senator Hernandez)

December 5, 2016

An act to add Section 76300.6 to Article 3 (commencing with Section
76396) to Chapter 2 of Part 47 of Division 7 of Title 3 of the Education
Code, relating to postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST

AB 19, as amended, Santiago. Community colleges: enrollment fee
waiver. California College Promise.

Existing law establishes the California Community Colleges, under
the administration of the Board of Governors of the California
Community Colleges, as one of the segments of public postsecondary
education in this state. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires community college district governing boards to charge students an enrollment fee of $46 per unit per semester. Existing law requires the board of governors to waive this fee for students meeting prescribed requirements.

This bill, contingent upon the enactment of an appropriation for purposes of the bill in the annual Budget Act or another statute, and except as provided, would, in the event that the governing board of a community college district opts to participate and meets specified requirements, waive the enrollment fee, for one academic year, for first-time community college students at the district who enroll in 12 or more semester units or the equivalent, as specified, and complete and submit either a Free Application for Federal Student Aid or a California Dream Act application. The bill would require each participating community college district that has offsetting local revenues that exceed the funding calculated pursuant to the district’s budget formula to annually report to the Chancellor of the California Community Colleges the amount of these fee waivers granted for that fiscal year, as specified.

This bill would establish the California College Promise, to be administered by the Chancellor of the California Community Colleges, which shall distribute funding, upon appropriation by the Legislature, to each community college meeting prescribed requirements to be used to, among other things, accomplish specified policy goals and waive fees for one academic year for first-time students who are enrolled in 12 or more semester units or the equivalent at the college and complete and submit either a Free Application for Federal Student Aid or a California Dream Act application.


The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 76396) is added to Chapter 2 of Part 47 of Division 7 of Title 3 of the Education Code, to read:
Article 3. California College Promise

76396. (a) The California College Promise is hereby established, to be administered by the Chancellor of the California Community Colleges.

(b) (1) Upon appropriation by the Legislature, the chancellor shall distribute funding to community college districts to fund colleges that satisfy the requirements of this article.

(2) (A) The chancellor shall establish a funding formula that advances the goals outlined in Section 76396.1.

(B) It is the intent of the Legislature that sufficient funding be allocated to each community college to waive all student fees pursuant to subdivision (b) of Section 76396.3.

(C) The funding formula established pursuant to subparagraph (A) shall, for funding appropriated for this article in excess of the funding determined pursuant to subparagraph (B), include, but not be limited to, both of the following factors:

(i) Number of full-time equivalent students at a community college.

(ii) Number of students at a community college who satisfy the requirements to receive federal Pell Grants and the requirements in Section 68130.5.

(c) For purposes of this article, “chancellor” means the Chancellor of the California Community Colleges.

76396.1. It is the intent of the Legislature that the California College Promise support the California Community Colleges in accomplishing all of the following goals:

(a) Increasing the number and percentage of high school students who are prepared for and attend college directly from high school and increasing the percentage of high school graduates who are placed directly into transfer-level mathematics and English courses at a community college.

(b) Increasing the percentage of students who earn associate degrees or career technical education certificates that prepare them for in-demand jobs and increasing the percentage of students who report being employed in their field of study.

(c) Increasing the percentage of students who successfully transfer from a community college to the California State University or the University of California and increasing the
percentage of students who graduate from college with a baccalaureate degree.

(d) Reducing and eliminating regional achievement gaps and achievement gaps for students from groups that are underrepresented at the California Community Colleges, including, but not limited to, underrepresented students, low-income students, students who are current or former foster youth, students with disabilities, formerly incarcerated students, undocumented students, students meeting the requirements of Assembly Bill 540 of the 2001–2002 Regular Session of the Legislature, and students who are veterans.

76396.2. The requirements for participation in the California College Promise shall advance the goals outlined in Section 76396.1 and shall include all of the following:

(a) Partnering with one or more local educational agencies to establish an Early Commitment to College Program that is consistent with the intent of Article 6.3 (commencing with Section 54710) of Chapter 9 of Part 29 of Division 4 of Title 2 to provide K–12 students and families assistance that includes, but is not limited to, learning about college opportunities, visiting campuses, taking and completing college preparatory courses, and applying for college and financial aid.

(b) Partnering with one or more local educational agencies to support and improve high school student preparation for college and reduce postsecondary remediation through practices that may include, but shall not be limited to, small learning communities, concurrent enrollment, and other evidence-based practices.

(c) Utilizing evidence-based assessment and placement practices at the community college that include multiple measures of student performance, which shall include, among other measures, overall grade point averages, including grades in high school courses, and using evidence-based practices to improve outcomes for underprepared students.

(d) Participating in the California Community College Guided Pathways Grant Program established pursuant to Part 54.81 (commencing with Section 88920) in order to clarify the academic path for students, help students enter a pathway, help students stay on an academic path, and ensure students are learning.

(e) Maximizing student access to need-based financial aid by leveraging the Board of Governors fee waiver established under
Section 76300, commonly known as the California Promise Grant, ensuring students complete the Free Application for Federal Student Aid, Cal Grant application, or Dream Act application, and participating in a federal loan program authorized under Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.). On or before January 1, 2018, a community college that does not participate in the federal loan program shall be provisionally eligible to participate in the California College Promise for one calendar year. The community college shall comply with the federal loan participation requirements in order to participate in the California College Promise on or after January 1, 2019.

76396.3. (a) A community college that has been certified by the chancellor as meeting the requirements established under Section 76396.2 shall receive funding pursuant to Section 76396. (b) The community college may use funding appropriated pursuant to this article to waive some or all of the fees for first-time community college students who are enrolled at the college full time, and complete and submit either a Free Application for Federal Student Aid or a California Dream Act application. A fee waiver that a student receives pursuant to this subdivision shall only be for one academic year and fees shall only be waived for the summer term and each semester or quarter of that year in which the student maintains full-time status. A fee waiver provided pursuant to this subdivision shall not be available to a student who is charged a tuition fee pursuant to Section 76140. (c) For purposes of this section, the following terms have the following meanings:

(1) “Full time” means 12 or more semester units or the equivalent.

(2) “One academic year” means the total of the summer term that immediately precedes the first semester or quarter of the fall term, and the two consecutive semesters or three quarters that immediately follow that summer term. Each semester or quarter is approximately the same length.

(d) It is the intent of the Legislature that funding provided to support the California College Promise be used by the community college to advance the goals outlined in Section 76396.1.

76396.4. The board of governors may adopt regulations implementing this section.
SECTION 1. Section 76300.6 is added to the Education Code, to read:  
76300.6. (a) (1) Contingent upon the enactment of an appropriation for purposes of this section in the annual Budget Act or another statute, if the governing board of a community college district meets the requirements of paragraph (5), that governing board shall waive the fee requirements of Section 76300 for any first-time community college student who is enrolled at the district full time, and completes and submits either a Free Application for Federal Student Aid or a California Dream Act application. A fee waiver that a student receives pursuant to this section shall only be for one academic year, and shall only be waived for the summer term and each semester or quarter of that year in which the student maintains full-time status. A fee waiver provided pursuant to this section shall not be available to a student who is charged a tuition fee pursuant to Section 76140.  
(2) For purposes of this section, the following terms have the following meanings:  
(A) “Full time” means 12 or more semester units or the equivalent.  
(B) “One academic year” means the total of the summer term that immediately precedes the first semester or quarter of the fall term, and the two consecutive semesters or three quarters that immediately follow that summer term. Each semester or quarter is approximately the same length.  
(3) Each participating community college district that has offsetting local revenues that exceed the funding calculated pursuant to the district's budget formula shall annually report to the chancellor the amount of fee waivers granted for that fiscal year pursuant to this subdivision. In computing the amount of fee waivers, the district shall exclude fee waivers for all students who are eligible for a fee waiver pursuant to subdivisions (g) to (j), inclusive, of Section 76300.  
(4) All community college districts, including districts described in paragraph (3), shall be eligible for state funds provided to support the implementation of this section. Notwithstanding any other law, if insufficient state funds are available to cover the additional cost of waivers provided pursuant to this subdivision, the shortfall shall be borne by all community college districts.
including districts described in paragraph (3), based on the number
of waivers provided pursuant to this section.

(5) In order for the fee requirements of Section 76300 to be
waived for a student under this section, the governing board of the
community college district shall partner with one or more school
districts and one or more California State University or University
of California campuses, if appropriate, to establish or expand a
program that includes all of the following practices and principles:

(A) Partnering with one or more school districts to establish an
Early Commitment to College Program that is consistent with the
intent of Article 6.3 (commencing with Section 54710) of Chapter
9 of Part 29 of Division 4 of Title 2 to provide K–12 students and
families assistance that includes, but is not limited to, learning
about college opportunities, visiting campuses, taking and
completing college preparatory courses, and applying for college
and financial aid:

(B) Partnering with one or more school districts to support and
improve high school student preparation for college and reduce
postsecondary remediation through practices that may include, but
are not limited to, small learning communities, concurrent
enrollment, and other evidence-based practices:

(C) Utilizing evidence-based placement and student assessment
indicators at the community college district that include multiple
measures of student performance, which may include, among
others, grades in high school courses, overall grade point averages;
results from common assessments, and input from counselors:

(D) Providing students who are enrolled at the community
college district with access to courses, including, but not limited
to, priority registration, and allowing them to register for a full
academic year of courses at once, in order to keep them on track
to graduate, transfer to a public postsecondary university, or earn
a career technical education certificate in California:

(E) Providing outreach to students who are enrolled at a
community college within the community college district regarding
the Associate Degrees for Transfer and the California Community
College Transfer Entitlement Cal Grant program:

(6) The governing board of a community college district that
opts to participate in the program established by this section shall
submit to the chancellor’s office a plan for implementing a college
promise program pursuant to this section. The chancellor’s office
shall than make a determination as to whether the community college district has met the criteria set forth in paragraph (5).

(b) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to this section.
SB 54 (De León) Summary
(Reflects 9/11/17 Amendments)

Amendments Overview:

- Expand list of crimes under which law enforcement has the discretion to notify and transfer a person to immigration authorities.
- Exempt the California Department of Corrections and Rehabilitation from the provisions of the bill, but require the Department to provide increased protections and equal treatment to immigrant inmates.
- Allow immigration authorities to interview individuals in custody, but prohibit giving immigration authorities permanent office space in jails.
- Delete prohibition on access to databases for immigration enforcement purposes, but require the AG to develop guidance, audit criteria, and training recommendations on limiting access to information for the purposes of immigration enforcement.
- Make technical changes to joint task force language to ensure law enforcement can continue to partner with federal agencies in the interest of public safety.

Key Policy Components:

- **Limitations on law enforcement**—Senate Bill 54 prohibits law enforcement agencies (including school police and security departments) from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. Restrictions include:
  - Inquiring into an individual’s immigration status.
  - Detaining a person based on a hold request from Immigration and Customs Enforcement (ICE).
  - Arresting a person based on a civil immigration warrant.
  - Participating in 287(g) agreements or any program that deputizes police as immigration agents.
  - Participating in border patrol activities, including warrantless searches.
  - Using ICE agents as interpreters.

- **Notifications and Transfers**—SB 54 will only allow response to notification requests from ICE and transfers to ICE if in accordance with a revised TRUST Act (2013) list of offenses. Law enforcement agencies will be required to report the number of transfers and type of offenses for which transfer occurred to the Attorney General.

- **Revised TRUST Act**—
  - The TRUST Act will be significantly narrowed by no longer applying to immigration holds, which will be prohibited under SB 54. The list will limit notifications and transfers to listed offenses.
  - List of offenses will now include a 15 year washout period for jail felonies.
  - Proposition 47 crimes will be completely exempt from the Trust Act.
Law enforcement will not be able to transfer a person to ICE unless there is a conviction.
Notifications to ICE on the basis of an arrest will not be permitted, except that law enforcement will have discretion to notify ICE about an arrest for serious/violent felony and prison felony. This will ensure that individuals are held accountable for the crimes they commit rather than be deported without prosecution.

- **Requirements on the California Department of Corrections (CDCR)**—
  - CDCR will be required to implement a policy similar to the TRUTH Act by requiring written consent from an individual before allowing an interview with ICE and notifying an individual if ICE has issued a hold, transfer, or notification request.
  - CDCR will be prohibited from restricting access to in-prison programming or credit-earning opportunities on the sole basis of immigration status.
  - CDCR will be prohibited from considering immigration status as a factor in determining a person’s custodial classification level.

- **Taskforces**—Law enforcement will be able to participate in joint taskforces with the federal government only if the primary purpose of the joint task force is not immigration enforcement. Participating agencies will have to annually report to the CA Department of Justice if there were immigration arrests as a result of task force operations.

- **Safe Zones**—The Attorney General will be required to publish model policies that limit immigration enforcement in public schools, health facilities, courthouses, and other service providers.
SENATE BILL No. 54

Introduced by Senator De León
(Principal coauthors: Senators Atkins, Beall, Pan, Skinner, and Wiener)
(Principal coauthors: Assembly Members Bonta, Chiu, Cooper, Gomez, Levine, Reyes, and Santiago)

December 5, 2016

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, and to add Section 3058.10 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL’S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.
Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify
the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using resources money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by April October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require, every 6 months, that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and twice annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General’s Internet Web site. The bill would require the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify United States
Immigration and Customs Enforcement of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a current term for the conviction of a violent or serious felony, or who has a prior conviction for a violent or serious felony. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


The people of the State of California do enact as follows:

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

(a) “Conviction” shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
(b) “Eligible for release from custody” means that the individual may be released from custody because one of the following conditions has occurred:

1. All criminal charges against the individual have been dropped or dismissed.
2. The individual has been acquitted of all criminal charges filed against him or her.
3. The individual has served all the time required for his or her sentence.
4. The individual has posted a bond.
5. The individual is otherwise eligible for release under state or local law, or local policy.

(c) “Immigration hold” means an immigration detainer issued by an authorized immigration officer, pursuant to Section 287.7 of Title 8 of the Code of Federal Regulations, that requests that the law enforcement official maintain custody of the individual for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, and to advise the authorized immigration officer prior to the release of that individual.

(c) “Hold request,” “notification request,” and “transfer request” have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.

(d) “Law enforcement official” means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

(e) “Local agency” means any city, county, city and county, special district, or other political subdivision of the state.

(f) “Serious felony” means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.

(g) “Violent felony” means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense
committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under any of the following circumstances:

7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

1. The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

2. The individual has been convicted of a felony punishable by imprisonment in the state prison.

3. The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted at any time within the last 15 years of a felony for, any of the following offenses:

   A. Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

   B. Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

   C. Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

   D. Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a,
(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, 18755, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to,
subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.
(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, a felony punishable by imprisonment in state prison, or any felony listed in paragraph (2) or (3) other than domestic violence, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code.

(6) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(b) If none of the conditions listed in subdivision (a) is satisfied, an individual shall not be detained on the basis of an immigration hold after the individual becomes eligible for release from custody.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.
SECTION 1.
SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. COOPERATION WITH FEDERAL IMMIGRATION AUTHORITIES

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:
(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.
(b) A relationship of trust between California’s immigrant community and state and local agencies is central to the public safety of the people of California.
(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.
(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.
(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See Sanchez Ochoa v. Campbell, et al. (E.D. Wash. 2017) 2017 WL 3476777; Trujillo Santoya v. United States, et al. (W.D. Tex. 2017) 2017 WL 2896021; Moreno v. Napolitano (N.D. Ill. 2016) 213 F. Supp. 3d 999; Morales v. Chadbourne (1st Cir. 2015) 793 F.3d 208; Miranda-Oliva v. Clackamas County (D. Or. 2014) 2014 WL 1414305; Galarza v. Szalczyk (3d Cir. 2014) 745 F.3d 634.
This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state’s limited resources to matters of greatest concern to state and local governments.

It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

For purposes of this chapter, the following terms have the following meanings:

(a) “California law enforcement agency” means a state or local law enforcement agency, including school police or security departments. “California law enforcement agency” does not include the Department of Corrections and Rehabilitation.

(b) “Civil immigration warrant” means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) “Federal immigration authority” means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection, or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with immigration enforcement.

(c) “Immigration authority” means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) “Health facility” includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) “Hold request,” “notification request,” “transfer request,” and “local law enforcement agency” have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other federal immigration authorities.

(f) “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement
of any federal civil immigration law, and also includes any and all
efforts to investigate, enforce, or assist in the investigation or
enforcement of any federal criminal immigration law that penalizes
a person’s presence in, entry, or reentry to, or employment in, the
United States. “Immigration enforcement” does not include either
of the following:

(1) Efforts to investigate, enforce, or assist in the investigation
or enforcement of a violation of Section 1326(a) of Title 8 of the
United States Code that may be subject to the enhancement
specified in Section 1326(b)(2) of Title 8 of the United States Code
and that is detected during an unrelated law enforcement activity.

(2) Transferring an individual to federal immigration authorities
for a violation of Section 1326(a) of Title 8 of the United States
Code that is subject to the enhancement specified in Section
1326(b)(2) of that title if the individual has been previously
convicted of a violent felony listed in subdivision (c) of Section
667.5 of the Penal Code.

(g) “Joint law enforcement task force” means at least one
California law enforcement agency collaborating, engaging, or
partnering with at least one federal law enforcement agency in
investigating federal or state crimes.

(h) “Judicial probable cause determination” means a
determination made by a federal judge or federal magistrate judge
that probable cause exists that an individual has violated federal
criminal immigration law and that authorizes a law enforcement
officer to arrest and take into custody the individual.

(i) “Judicial warrant” means a warrant based on probable cause
for a violation of federal criminal immigration law and issued by
a federal judge or a federal magistrate judge that authorizes a law
enforcement officer to arrest and take into custody the person who
is the subject of the warrant.

(j) “Public schools” means all public elementary and secondary
schools under the jurisdiction of local governing boards or a charter
school board, the California State University, and the California
Community Colleges.

(k) “School police and security departments” includes police
and security departments of the California State University, the
California Community Colleges, charter schools, county offices
of education, schools, and school districts.
7284.6. (a) California law enforcement agencies shall not do any of the following: not:

1. Use agency or department moneys, facilities, property, equipment, moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including, but not limited to, including any of the following:

   (A) Inquiring into an individual’s immigration status.
   (B) Detaining an individual on the basis of a hold request.
   (C) Responding—Providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.
   (D) Providing information regarding a person’s release date unless that information is available to the public.
   (E) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual’s home address or work address unless that information is available to the public.
   (F) Making, assisting, or making or intentionally participating in arrests based on civil immigration warrants.
   (G) Giving federal immigration authorities access to interview an individual in agency or department custody, except pursuant to a judicial warrant, and in accordance with Section 7283.1.
   (H) Assisting—federal immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.
   (I) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.
2. Make agency or department databases, including databases maintained for the agency or department by private vendors, or the information therein other than information within those
databases regarding an individual’s citizenship or immigration status, available to anyone or any entity for the purpose of immigration enforcement. Any agreements in effect on January 1, 2018, that conflict with the terms of this paragraph are terminated on that date. All persons and entities provided access to agency or department databases shall certify in writing that the database will be kept confidential and will not be used for the purposes prohibited by this section.

(3) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies except to the extent those deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(4) Use federal immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(5) Transfer an individual to federal immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or for a violation of Section 1326(a) of Title 8 of the United States Code that is subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and the individual has been previously convicted of a violent felony listed in subdivision (e) of Section 667.5 of the Penal Code. in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:
(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from federal immigration authorities for information about a specific person’s criminal history, including previous criminal arrests, convictions, and or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(2) Participating in a joint law enforcement task force, so long as the primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(3) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.
(4) Responding to a notification request from federal immigration authorities for a person who is serving a term for the conviction of a misdemeanor or felony offense and has a current or prior conviction for a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code or a serious felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report every six months annually to the Department of Justice, as specified by the Attorney General. The report shall detail for each task force operation, the purpose of the task force, the federal, state, and local law enforcement agencies involved, the number of California law enforcement agency personnel involved, a description of arrests made for any federal and state crimes, and a description of the number of people arrested for immigration enforcement purposes. All law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal
identifying information may be redacted prior to public disclosure.

To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and twice a year annually thereafter, shall report on the types and frequency of joint law enforcement task forces. The report shall include, for the reporting period, assessments on compliance with paragraph (2) of subdivision (b), a list of all California law enforcement agencies that participate in joint law enforcement task forces, a list of joint law enforcement task forces operating in the state and their purposes, the number of arrests made associated with joint law enforcement task forces for the violation of federal or state crimes, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General’s report. The Attorney General shall post the reports required by this subdivision on the Attorney General’s Internet Web site.

(e) Notwithstanding any other law, a California law enforcement agency shall not transfer an individual to federal immigration authorities for purposes of immigration enforcement or detain an individual at the request of federal immigration authorities for purposes of immigration enforcement absent a judicial warrant or judicial probable cause determination, except as provided in paragraph (5) of subdivision (a). This subdivision does not limit the scope of subdivision (a).

(f)
(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. (a) The Attorney General, by April 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers’ Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. All the Agricultural Labor Relations Board, the Division of Workers’ Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state
and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person’s custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity
shall not affect other provisions or applications that can be given
effect without the invalid provision or application.

SEC. 2. 
SEC. 4. Section 11369 of the Health and Safety Code is
repealed.

SEC. 3. Section 3058.10 is added to the Penal Code, to read:

3058.10. (a) The Board of Parole Hearings, with respect to
inmates sentenced pursuant to subdivision (b) of Section 1168, or
the Department of Corrections and Rehabilitation, with respect to
inmates sentenced pursuant to Section 1170, shall notify United
States Immigration and Customs Enforcement of the scheduled
release on parole or postrelease community supervision, or
rerelease following a period of confinement pursuant to a parole
revocation without a new commitment, of all persons confined to
state prison serving a current term for the conviction of, or who
have a prior conviction for, a violent felony listed in subdivision
(c) of Section 667.5 or a serious felony listed in subdivision (c) of
Section 1192.7.

(b) The notification shall be made at least 60 days prior to the
scheduled release date or as soon as practicable if notification
cannot be provided at least 60 days prior to release. The only
nonpublicly available personal information that the notification
may include is the name of the person who is scheduled to be
released and the scheduled date of release.

SEC. 4. 
SEC. 5. If the Commission on State Mandates determines that
this act contains costs mandated by the state, reimbursement to
local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.
SB 628, Lara. Local educational agencies: governing board elections: Los Angeles Community College District.

(1) Existing law requires the governing board of a school district or community college district that is situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census to be composed of 7 members elected at large at the same time and manner of the city council of that city, as specified.

This bill would delete this provision. The bill would also make changes in other code sections to conform to this deletion.

(2) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state. Existing law requires members of the governing board of the Los Angeles Community College District to be elected at large in a manner established by a specified statute. Existing law also authorizes the governing board of the Los Angeles Community College District to adopt a resolution by majority vote to enact an alternative method by which members of the governing board may be elected at large and by individual seat number, as specified.

This bill would delete the provision requiring the members of the governing board of the Los Angeles Community College District to be elected at large in a manner established by a specified statute. The bill would instead...
provide that, commencing with the 2019 election for the governing board of the Los Angeles Community College District, and each election thereafter, the governing board may adopt a resolution by majority vote to enact an alternative method by which members of the governing board may be elected by trustee area, as specified.

(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles Community College District.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5224 of the Education Code is repealed.

SEC. 2. Section 5224.1 of the Education Code is repealed.

SEC. 3. Section 5225 of the Education Code is amended to read:

5225. Notwithstanding Section 5033, when a unified school district is formed pursuant to Chapter 4 (commencing with Section 35700) of Part 21 of Division 3 of Title 2, which includes a city school district having a city board of education as provided under former Section 5224 as it existed on January 1, 2017, the unified school district shall be governed by that city board of education, and the governing board members thereof shall continue in office for the remainder of their terms as elected pursuant to former Section 5224 as it existed on January 1, 2017.

SEC. 4. Section 72031 of the Education Code is amended to read:

72031. The provisions of this section shall apply only to the Los Angeles Community College District.

(a) Whenever in this code a section refers to a district, or to two or more districts, governed by a single governing board, or by governing boards of identical personnel, or to a district or districts in which the average daily attendance is in excess of 400,000, or makes a similar reference, all provisions of the section shall apply with equal force to both the city school district and community college district.

(b) Commencing with the 2019 election for the governing board of the Los Angeles Community College District, and each election thereafter, the governing board may adopt a resolution by majority vote to enact an alternative method by which members of the governing board of the Los Angeles Community College District may be elected by trustee area. The trustee shall be required to reside and be registered to vote in the trustee area he or she seeks to represent, and the trustee shall be elected by only the registered electors of the same trustee area. Upon certification of the election, the candidate with the highest number of votes for a trustee area shall be deemed the candidate elected for that trustee area.

SEC. 5. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs of the Los Angeles Community College District. The enactment of Section 4 of this act is therefore necessary.
Date of Hearing: August 23, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez Fletcher, Chair
SB 769 (Hill) – As Amended July 13, 2017

Policy Committee: Higher Education Vote: 12 - 1
Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:
This bill extends the statewide baccalaureate degree pilot program administered by the California Community Colleges (CCC) Board of Governors by an additional five years.

FISCAL EFFECT:

1) Unknown ongoing Proposition 98/GF cost pressures, likely over $5.3 million, to expand the original 15 pilot programs until July 1, 2023. This estimate assumes the same level of support originally given to the pilot programs. Of the 15 approved pilots only 10 have actually opened their doors and enrolled baccalaureate degree students. A true estimate will require all 15 approved pilots to be operational and at least a year’s worth of data to be available for assessment.

2) The California Community College Chancellors Office (CCCCO) estimates approximately $1.5 million GF ($308,000 GF annually) for 2 positions to support the extension of the baccalaureate degree program. Original funding for the pilot program did not include state operation costs. As a result, the CCCCCO has had to absorb implementation costs by redirecting CCCCCO staff and resources from critical assignments, including the Associate Degree for Transfers Program. The two positions at the CCCCCO would provide technical assistance to the colleges on a variety of student support and compliance issues; facilitate the annual BA Degree statewide pilot project conference and symposiums; update the BA Degree pilot project web pages; assist with curriculum and professional development activities; conduct ongoing work with the accreditation agency; and assist with evaluation and research activities. The Governor’s 2017-18 did not include funding for the baccalaureate degree pilot program or CCCCCO state operations costs.

COMMENTS:

1) **Background.** Existing law differentiates the missions and functions of public and independent institutions of higher education. The mission and function of the CCCs is to offer academic and vocational instruction at the lower division level. The CCCs are authorized to grant the associate in arts and the associate in science degrees.

State law also authorizes the CCC Board of Governors, in consultation with the California State University (CSU) and the University of California (UC), to operate baccalaureate degree pilot programs, at up to 15 community college districts, with one baccalaureate degree program each, as specified, to be determined by the CCCCCO as long as it does not duplicate a baccalaureate degree program already offered by the CSU or the UC. The pilot sunsets July 1, 2023. An independent evaluation by the Legislative Analyst’s Office is required by state
law to be completed on July 1, 2018. Ten of the 15 pilot programs began operation in the fall of 2016. The final five are expected to begin operation in fall of 2017. The CCCCO reports that for the fall of 2016, 206 students are enrolled in the baccalaureate degree pilot program.

2) **Purpose.** According to the author, “the state faces an urgent need to increase the number of Californian’s with four-year degrees by 2030, as population and education trends suggest that only 33 percent of working-age adults in California will have a BA degree—a shortfall of 1.1 million college graduates.”

3) **Related Legislation.** SB 850 (Block) Chapter 747, Statutes of 2014, authorizes the Board of Governors of the CCC, in consultation with the CSU and the UC, to establish baccalaureate degree pilot programs, at up to 15 community college districts, with one baccalaureate degree program each, to be determined by the Chancellor of the CCC.

4) **Staff comments:** The original 15 pilot programs are offering baccalaureate degrees that do not duplicate a baccalaureate degree program already offered by the CSU or the UC. Programs range from airframe manufacturing technology to respiratory care. Existing pilot programs have expressed recruitment issues for students as a result of the sunset.

**Analysis Prepared by:** Daisy Gonzales / APPR. / (916) 319-2081
An act to amend Sections 78041, 78042, and 78043 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL’S DIGEST

SB 769, as amended, Hill. Baccalaureate Degree Pilot Program.
Existing law, until July 1, 2023, authorizes the Board of Governors of the California Community Colleges, in consultation with the California State University and the University of California, to establish a statewide baccalaureate degree pilot program. Existing law requires a district baccalaureate degree pilot program to commence by the beginning of the 2017–18 academic year and requires a student participating in a baccalaureate degree pilot program to complete his or her degree by the end of the 2022–23 academic year.
This bill would extend the operation of the statewide baccalaureate degree pilot program until July 1, 2028, and would extend the time by which a student participating in a baccalaureate degree pilot program is required to complete his or her degree to the end of the 2027–28 academic year.


The people of the State of California do enact as follows:

SECTION 1. Section 78041 of the Education Code is amended to read:

78041. Notwithstanding Section 66010.4, and commencing January 1, 2015, the Board of Governors of the California Community Colleges, in consultation with the California State University and the University of California, may authorize the establishment of district baccalaureate degree pilot programs that meet all of the eligibility requirements set forth in Section 78042. A district pilot program established pursuant to this article shall commence no later than the 2017–18 academic year. A student participating in a baccalaureate degree pilot program shall complete his or her degree by the end of the 2022–23 academic year. For purposes of this section, a pilot program commences when the first class of students begins the program. The statewide baccalaureate degree pilot program shall consist of a maximum of 15 districts, with one baccalaureate degree program each, to be determined by the Chancellor of the California Community Colleges and approved by the Board of Governors of the California Community Colleges.

SEC. 2. Section 78042 of the Education Code is amended to read:

78042. (a) A district shall seek approval to offer a baccalaureate degree program through the appropriate accreditation body. (b) When seeking approval from the Board of Governors of the California Community Colleges, a district shall maintain the primary mission of the California Community Colleges specified in paragraph (3) of subdivision (a) of Section 66010.4. The district, as part of the baccalaureate degree pilot program, shall have the
additional mission to provide high-quality undergraduate education at an affordable price for students and the state.

(c) As a condition of eligibility for consideration to participate in the statewide baccalaureate degree pilot program, a district shall have a written policy that requires all potential students who wish to apply for a Board of Governors Fee Waiver pursuant to Section 76300 to complete and submit either a Free Application for Federal Student Aid or a California Dream Act application in lieu of completing the Board of Governors Fee Waiver application.

(d) A district shall not offer more than one baccalaureate degree program, as determined by the governing board of the district and approved by the Board of Governors of the California Community Colleges, and subject to the following limitations:

1. A district shall identify and document unmet workforce needs in the subject area of the baccalaureate degree to be offered and offer a baccalaureate degree at a campus in a subject area with unmet workforce needs in the local community or region of the district.

2. A baccalaureate degree pilot program shall not offer a baccalaureate degree program or program curricula already offered by the California State University or the University of California.

3. A district shall have the expertise, resources, and student interest to offer a quality baccalaureate degree in the chosen field of study.

4. A district shall not offer more than one baccalaureate degree program within the district, which shall be limited to one campus within the district.

5. A district shall notify a student who applies to the district’s baccalaureate degree pilot program that the student is required to complete his or her baccalaureate degree by the end of the 2022–23 academic year, as specified in Section 78041.

(e) A district shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program. A student shall be reported as a community college student for enrollment in a lower division course and as a baccalaureate degree program student for enrollment in an upper division course.

(f) A governing board of a district seeking authorization to offer a baccalaureate degree pilot program shall submit all of the following for review by the Chancellor of the California
Community Colleges and approval by the Board of Governors of the California Community Colleges:

(1) Documentation of the district’s written policy required by subdivision (c).

(2) The administrative plan for the baccalaureate degree pilot program, including, but not limited to, the governing board of the district’s funding plan for its specific district.

(3) A description of the baccalaureate degree pilot program’s curriculum, faculty, and facilities.

(4) The enrollment projections for the baccalaureate degree pilot program.

(5) Documentation regarding unmet workforce needs specifically related to the proposed baccalaureate degree pilot program, and a written statement supporting the necessity of a four-year degree for that program.

(6) Documentation of consultation with the California State University and the University of California regarding collaborative approaches to meeting regional workforce needs.

(g) (1) On or before March 31, 2015, the Board of Governors of the California Community Colleges shall develop, and adopt by regulation, a funding model for the support of the statewide baccalaureate degree pilot program that is based on a calculation of the number of full-time equivalent students enrolled in all district pilot programs.

(2) Funding for each full-time equivalent student shall be at a marginal cost calculation, as determined by the Board of Governors of the California Community Colleges, that shall not exceed the community college credit instruction marginal cost calculation for a full-time equivalent student, as determined pursuant to paragraph (2) of subdivision (d) of Section 84750.5.

(3) A student in a baccalaureate degree pilot program authorized by this article shall not be charged fees higher than the mandatory systemwide fees charged for baccalaureate degree programs at the California State University.

(4) Fees for coursework in a baccalaureate degree pilot program shall be consistent with Article 1 (commencing with Section 76300) of Chapter 2 of Part 47.

(5) A district shall, in addition to the fees charged pursuant to paragraph (4), charge a fee for upper division coursework in a
baccalaureate degree pilot program of eighty-four dollars ($84) per unit.

(h) (1) The Legislative Analyst’s Office shall conduct both an interim and a final statewide evaluation of the statewide baccalaureate degree pilot program implemented pursuant to this article.

(2) The results of the interim evaluation shall be reported as a progress report, in writing, to the Legislature and the Governor on or before July 1, 2018. The interim evaluation shall include, but is not limited to, all of the following:

(A) How many, and which specific, districts applied for a baccalaureate degree pilot program, and the baccalaureate degree pilot programs they applied for.

(B) Which potential four-year baccalaureate degrees were denied and why they were denied.

(C) Baccalaureate degree pilot program costs and the funding sources that were used to finance these programs.

(D) Current trends in workforce demands that require four-year degrees in the specific degree programs being offered through the statewide baccalaureate degree pilot program.

(E) Current completion rates, if available, for each cohort of students participating in a baccalaureate degree pilot program.

(F) Information on the impact of baccalaureate degree pilot program on underserved and underprepared students.

(3) The results of the final evaluation shall be reported, in writing, to the Legislature and the Governor on or before July 1, 2022. The final evaluation shall include, but is not limited to, all of the following:

(A) The number of new district baccalaureate degree pilot programs implemented, including information identifying the number of new programs, applicants, admissions, enrollments, and degree recipients.

(B) The extent to which the baccalaureate degree pilot programs established under this article fulfill identified workforce needs for new baccalaureate degree programs, including statewide supply and demand data that considers capacity at the California State University, the University of California, and in California’s independent colleges and universities.

(C) Information on the place of employment of students and the subsequent job placement of graduates.
(D) Baccalaureate degree program costs and the funding sources that were used to finance these programs, including a calculation of cost per degree awarded.

(E) The costs of the baccalaureate degree programs to students, the amount of financial aid offered, and student debt levels of graduates of the programs.

(F) Time-to-degree rates and completion rates for the baccalaureate degree pilot programs.

(G) The extent to which the programs established under this article are in compliance with the requirements of this article.

(H) Information on the impact of baccalaureate degree pilot program on underserved and underprepared students.

(I) Recommendations on whether and how the statewide baccalaureate degree pilot program can or should be extended and expanded.

(4) A district shall submit the information necessary to conduct the evaluations required by paragraph (1), as determined by the Legislative Analyst’s Office, to the Chancellor of the California Community Colleges, who shall provide the information to the Legislative Analyst’s Office upon request.

(5) A report to be submitted pursuant to paragraph (2) or (3) shall be submitted in compliance with Section 9795 of the Government Code.

SECTION 1.

SEC. 3. Section 78043 of the Education Code is amended to read: 78043. This article shall become inoperative on July 1, 2028, and as of January 1, 2029, is repealed, unless a later enacted statute that is enacted before January 1, 2029, deletes or extends that date.
Good morning, distinguished Chairman Ridley-Thomas and Honorable Members of the Board of Supervisors. I am Francisco Rodriguez, Chancellor of the Los Angeles Community College District (LACCD). Thank you, Supervisors Hilda Solis and Janice Hahn for taking the necessary action through this motion to protect our vulnerable immigrant population. Following the Administration’s unwarranted and untimely decision to end DACA, we appreciate the County taking a strong leadership role as it stands to defend, protect, and fight for 800,000 recipients of DACA nationally, and the over 220,000 in California alone. At the California community colleges, we enroll an estimated 61,000 undocumented students.

At LACCD, his ruling affects our Dreamer student population within the approximately 11,000 undocumented students enrolled at the Los Angeles Community College District. We have immediately started work to better understand the implications of this decision on our students, families, and communities.

The President’s decision, while uncertain and unsettling for our Dreamer students and their families—is not defeating, nor will it dissuade us from providing advocacy and support for this vital segment of our student body. Any threat to this vulnerable constituency is a threat to us all.

President Obama created the DACA program in 2012 to provide temporary relief for young immigrants who were brought to this country as children. Since then, DACA recipients have been able to come out of the shadows, go to college, work, start businesses, buy homes, pay taxes, and become productive members of society—most importantly—living without the fear of deportation. It is estimated that 70% of all DACA recipients attend college.

On behalf of the nine college presidents and LACCD Board of Trustees, I am here to reaffirm LACCD’s commitment as a place where all students can enroll and achieve their educational goals, regardless of their immigration status. Our undocumented students are an integral and valued member of our LACCD family. These are extraordinarily talented students who have sacrificed to better themselves, their families and their communities, and our country.

As Chancellor, this issue is deeply personal to me. As a first-generation college attendee, beneficiary of public education and proud son of immigrant factory workers, I pledge to keep the Los Angeles community college doors open for ALL students seeking an education, particularly for the most vulnerable and poorest in our communities. I assure you that LACCD will continue to advocate fearlessly and unapologetically for the rights of all students, regardless of their immigration status.

Honorable Members of the Board of Supervisors, thank you again for sending a strong and unequivocal message to the Administration and to our immigrant community that Los Angeles County supports DACA and will do everything possible to protect our immigrants.

LACCD, our students and the higher education community stands with you.

Chancellor Francisco C. Rodriguez, Ph.D.
Deferred Action for Childhood Arrivals (DACA) Repeal Response

On September 5, 2017, in a divisive, ill-advised and inhumane move, President Trump ended the Deferred Action for Childhood Arrivals (DACA) program, with a six-month delay. This action is widely opposed by leaders of both parties at the federal level, and decried by numerous California elected officials. It is also a heartbreaking blow and cruel exercise of Presidential authority aimed at nearly 800,000 of the most vulnerable young people among us, including 214,000 who reside in California.

Ending DACA and admonishing recipients from the labor force could cost the United States $460.3 billion in GDP and decrease Social Security and Medicare contributions by $24.6 billion over the next decade. Every state in the U.S. will feel the economic harms from ending DACA. Los Angeles County, a virtual state in its own right, is especially susceptible to these economic harms and the human costs associated with them.

Action by Congress in the next six months is critical to the future of this nation’s DACA recipients and the people of Los Angeles County. The DREAM Act, for example, is a strong legislative solution that would allow young immigrants to continue living their American Dream with a path to citizenship.

MOTION

Solis
Kuehl
Hahn
Barger
Ridley-Thomas
WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS,

1. Direct the Chief Executive Officer to send a 5-signature letter to the County’s Congressional Delegation, the Senate and House leadership, and to the President of the United States denouncing the personal and practical impacts of DACA’s pending termination on Los Angeles County, and demanding a permanent legislative solution for all DACA recipients and their families.

2. Send a letter from the Board to Governor Jerry Brown and Attorney General Xavier Becerra, urging any action necessary by the State of California to protect California DACA recipients.

3. Implement a travel restriction for one year by LA County employees on official LA County business, with the exception of emergency response and assistance, matters related to the Department of Children and Family Services, Probation, District Attorney, Public Defender, Alternate Public Defender, and any other legally required matters as specifically authorized by the Chief Executive Office, to the 9 remaining states (Texas, Alabama, Arkansas, Idaho, Kansas, Louisiana, Nebraska, South Carolina, West Virginia) that threatened legal action unless the administration phased out DACA. Implementation should include the delivery, by County Counsel, of a letter to each state and its leadership declaring the restriction.

4. Direct the Office of Immigration Affairs to conduct outreach efforts to current DACA recipients to assist them with renewing their status before October 5, 2017, and to provide ongoing updates to LA County residents regarding their legal rights.
5. Further direct the Office of Immigrant Affairs, in consultation with County Counsel, to explore immigration relief and residency options for County employees who are DACA recipients, and to report-back to the Board in 30 days on available solutions.

6. Amend Item A-7 to read "Discussion and consideration of necessary actions on issues or action taken by the Federal government relating to immigration policies."