LOS ANGELES COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
LEGISLATIVE & PUBLIC AFFAIRS COMMITTEE MEETING
Educational Services Center
Board Room, First Floor
770 Wilshire Boulevard
Los Angeles, CA 90017
Wednesday, October 18, 2017
3:00 p.m. – 4:15 p.m.

Committee Members
Mike Fong, Chair
Andra Hoffman, Vice Chair
Gabriel Buelna, Member
Scott J. Svonkin, Alternate
Maria Luisa Veloz, Staff Liaison
Marvin Martinez, College President Liaison
Renee D. Martinez, College President Liaison Alternate

Agenda
(Items may be taken out of order)

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
      a. 2018-2019 California Community College Board of Governors System Budget Request
         Mark McDonald, McCallum Group Inc.
      b. Proposition 98 Test 3B Cut – Recommend Adopt Resolution Opposing the Test3B Cut
         Dale Shimasaki, Strategic Education Services

   2. State Legislative Measures Update
      • AB 19 (Santiago) Community Colleges California College Promise
         Mark McDonald, McCallum Group Inc.
• AB 21 (Kalra) Public Postsecondary education: Access to Higher Education for Every Student
  
  *Mark McDonald, McCallum Group Inc.*

• AB 343 (McCarty) Public postsecondary education: holders of certain special immigrant visas
  
  *Dale Shimasaki, Strategic Education Services*

• AB 618 (Low) Job Order Contracting
  
  *Mark McDonald, McCallum Group Inc.*

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

**C. Resolution in support of urging Congress to take affirmative steps toward a bipartisan Deferred Action Childhood Arrivals (DACA) policy that provides a permanent pathway to citizenship**

  *Trustee Gabriel Buelna*

**D. 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.
Memorandum

Date: October 10, 2017

To: Los Angeles Community College District Legislative & Public Affairs Committee

From: Holland & Knight LLP

Re: Federal Policy Update

Over the past month, there has been activity on several issues impacting the Los Angeles Community College District (LACCD), including:

- Immigration
- Perkins Loan Program Reauthorization
- Budget
- Department of Education Senior Staff Hires

I. Immigration

**DACA Update**

In the wake of the actions taken by the Administration to phase out DACA, House and Senate Republicans and Democrats have intensified their efforts to produce a workable compromise that will allow the approximately 800,000 undocumented individuals who came to the U.S. as children to remain in the country. Democrats have taken the position that any DACA legislation must be “clean” and not include funding for a physical border wall, additional border security or interior enforcement measures. Conversely, Republicans remain committed to pressing forward on such enforcement measures.

Last week, House Democrats attempted to force an up-or-down vote on the Dream Act, which would allow DACA recipients to stay in the country with a pathway to citizenship. While 194 House Democrats signed a discharge petition to force a floor vote on the Act, only one of the five Republican sponsors of the Dream Act, Rep. Mike Coffman (R-Colo.), signed the petition, falling short of a majority of the House.

In addition, the DC-based higher education advocacy group, the American Council on Education (ACE), unveiled the ProtectDreamers website that will serve as a clearinghouse of DACA and Dreamer facts and information. ACE has designated the week of October 16-20 as “Higher Education Theme Week for DACA/Dreamers”. Institutions are encouraged to highlight their advocacy efforts on behalf of Dreamers during that week.
**White House Immigration Principles**

On October 8, President Trump released his immigration principles to guide congressional negotiations on DACA. The President’s priorities include:

- Building a wall along the southern border
- Overhauling the U.S. asylum system for unaccompanied minors at the border
- Requiring employers to use E-Verify
- Allowing U.S. citizens to sponsor only spouses and minor children for permanent residency
- Creating a points-based system for green cards
- Prohibiting sanctuary cities from receiving federal grants
- Requiring local governments to enforce immigration law, including the administration's policies.

It is unclear whether the president intends to take a hard position on the inclusion of these items in any final DACA package. As previously mentioned, funding for the border wall is viewed as a non-starter for Democrats, and even some Republicans, who oppose this and other elements of President Trump’s immigration priorities. House Minority Leader Nancy Pelosi (D-Calif.) and Senate Minority Leader Chuck Schumer (D-N.Y.) released a joint statement in response, saying "The Administration can’t be serious about compromise or helping the Dreamers if they begin with a list that is anathema to the Dreamers, to the immigrant community and to the vast majority of Americans."

Many observers believe that addressing DACA may come to a head as the FY 2018 omnibus bill begins to move at the end of this year. The FY 18 omnibus will need bipartisan support to pass.

**II. Perkins Loan Program Expires**

On September 30, the Perkins Loan Program that provides low-interest loans to college students in need expired. Despite members of Congress introducing identical legislation in the House and Senate to extend the program for another two years, both congressional committees failed to take action.

There were several attempts to revive the extension legislation: Sen. Tammy Baldwin (D-WI) asked that her extension bill be considered under unanimous consent but the request was blocked by Sen. Lamar Alexander (R-TN), who chairs the Senate education committee. In the House, Majority Leader Kevin McCarthy (R-CA) said he had no plans to bring Perkins up for a vote.

Despite this setback, supporters of the program have not given up hope. Two years ago when the program last expired, an extension was passed after its expiration. Since students had already received their fall loan disbursements, there was no disruption in their education, as could be the case this year as well.
Congressional supporters are currently developing a strategy to seek inclusion of language in the FY 2018 omnibus that would extend Perkins for two years. This would allow students to receive their January Perkins disbursements. We will continue working actively with key stakeholders in support of its extension.

III. FY 18 Budget Work Begins

On October 5, the House passed a budget resolution, H. Con. Res. 71, on a 219-206 vote that would pave the way for tax reform. The resolution includes $1.1 trillion in non-entitlement spending, of which $622 billion would be for defense spending. This assumes an increase in defense spending by $72 billion and a decrease in non-defense spending by $5 billion. The plan also directs spending cuts to Medicare and Medicaid, including enforcement mechanisms to ensure the cuts are enacted.

House Budget Chairman Diane Black (R-TN) said the budget resolution upholds fiscally conservative principles, directing congressional committees to eliminate money from mandatory programs for food stamps, housing aid and student loans. Democrats have argued that such budget guidance takes from low-income individuals and families, while enabling Republicans to push for tax cuts on wealthy individuals. The $4.1 trillion budget resolution will formally trigger the reconciliation process, which reduces the 60-vote threshold required under regular order in the Senate to a simple majority (51 votes). With Senate Republicans holding 52 seats, the reconciliation tool will aid Republicans in passing tax reform without Democrats. To enable the reconciliation process, the resolution will likely be sent to conference to resolve differences between House and Senate versions.

The Senate bill was marked up on October 5, and will be sent to the Senate floor after the chamber returns from recess on October 16. The Senate resolution includes $1.5 trillion in potential tax cuts to aid in reform efforts, and but will not include the $203 billion mandatory cuts from the House budget. It is worth noting that the budget’s topline numbers are largely symbolic at this point—as FY 18 appropriations work is already well underway in both the House and Senate. Nevertheless, the budget is critical for tax reform.

IV. Secretary DeVos Announces Three Senior Staff Hires; Including Deputy Secretary of Education

U.S. Secretary of Education Betsy DeVos has announced three additional senior staff hires, including the Deputy Secretary of Education, a position that is viewed as the agency’s #2 spot.

The appointees are:

- Michael Zais: Deputy Secretary of Education:
  Effective: Upon Senate Confirmation

Zais was most recently Superintendent of South Carolina schools. He announced in 2014 that he wouldn't run for re-election. As Superintendent, Zais helped the state move away from the Common Core — the academic standards in math and English reviled by conservatives as
federal overreach. He instructed a panel tasked with rewriting the state's academic standards to ignore the Common Core.

- Dr. Michael Wooten: Deputy Assistant Secretary and Acting Assistant Secretary for the Office of Career, Technical, and Adult Education
  Effective: Monday, Oct. 2, 2017—no Senate confirmation needed

Dr. Wooten is a 20-year veteran of the United States Marine Corps and most recently worked as deputy chief procurement officer for the District of Columbia. His prior experience also includes serving as chairman of the board for Northern Virginia Community College as well as deputy department chair and full professor of contract management at Defense Acquisition University. He also served as an interim member of the Prince William County School Board. Dr. Wooten earned his doctorate in higher education management from the University of Pennsylvania.

- Dr. Leonard Haynes: Senior Advisor to the Under Secretary
  Effective: Monday, Oct. 2, 2017—no Senate confirmation needed

Dr. Haynes most recently served as a distinguished adjunct professor for the John Glenn College of Public Affairs at The Ohio State University. He was the former acting president of Grambling State University and senior assistant to the president of American University. He previously served at the U.S. Department of Education in multiple roles including assistant secretary for postsecondary education, director of the White House Initiative on Historically Black Colleges and Universities and senior director of institutional service for the Office of Postsecondary Education.
October 18, 2017

To: Legislative and Public Affairs Committee Members

From: Maria Luisa Veloz
      Administrative Officer to the Chancellor

Subject: October State Legislative and Public Affairs Update

Sunday, October 15th marked the deadline for the Governor to sign or veto bills that made it to his desk in the closing weeks of session. With the Governor’s work complete, this marks the end of the first year of the 2017-18 legislative session. The Legislature is already holding informational hearings on relevant topics and beginning to examine potential issues for next year. Additionally, bills that were not make it to the Governor’s desk are considered two-year bills and may be taken up again in January when the Legislature returns for the second year of the two-year session.

BUDGET UPDATE – 2018-2019 Board of Governors System Budget Request

Prepared by: MGI

As they do annually, the California Community College Board of Governors adopted their 2018-2019 system budget request to go to the administration for consideration as the administration considers their January budget proposal. This year’s budget request was much smaller than in years past when requests have reached as high as more than $1 billion. This year’s request was more focused and requested not only budget augmentations, but legislative action. The total request for this year is $328.5 million.

Among the items in the request are the following:

- No request for growth funding
- $200 million for General Operating Expenses
- $75 million for Full-Time Faculty
- $25 million for Part-Time Faculty Support
- $25 million for Basic Skills Transformation Grants
- $25 million for Professional Development
- $2.5 million for Chancellor’s Office Staff Professional Development
- $5 million for Equal Employment Opportunity
- $25 million for College Promise Framework
The statutory change requests included the following:

- Flexible Learning Outcomes for Workers (Online Learning)
- Cal Grants to Better Serve Community College Students
- Adult Education Data Sharing Agreements
- Integration of Student Support Services

At the meeting when the request was adopted, members of the Board of Governors also expressed support for items that would address student hunger and veterans’ support services.

### Summary:

As reported in previous correspondence, the Education Trailer bill to the budget contains language which allows the administration to cut the Proposition 98 guarantee by $850 million over the 2018-19, 2019-20 and 2020-21 years. Specifically, the Legislature adopted the deletion of trailer bill language which proposes to waive the Test 3B statute for funding Proposition 98.

The schedule of the cuts are as follows:

<table>
<thead>
<tr>
<th>Suspension of Proposition 98 Test 3B¹</th>
<th>Reductions to K-14 Education (amounts in millions)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LACCD</td>
<td>LACCD per FTES</td>
</tr>
<tr>
<td>2018-19</td>
<td>-$450</td>
<td>$4.1</td>
</tr>
<tr>
<td>2019-20</td>
<td>-$290</td>
<td>$2.7</td>
</tr>
<tr>
<td>2020-21</td>
<td>-$110</td>
<td>$1.0</td>
</tr>
<tr>
<td>Total reduction</td>
<td>-$850</td>
<td>$7.8</td>
</tr>
</tbody>
</table>

- This action arbitrarily pre-approves cuts to the K-14 education budget without justification that the cuts will be needed in future years.

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¹ Source: Legislative Analyst’s Office, Analysis of May Revision Education Proposals for 2017-18, pp 3
Cutting K-14 education, beyond the 2017-18 budget, occurs when there is no certainty that there will be a budget deficit or that revenues will be insufficient to fund the Proposition 98 guarantee.

Arbitrarily waiving statute is not necessary. If cuts are required in the future, the Legislature can negotiate that waiver in the year they are negotiating the budget.

Pre-approving cuts to Proposition 98 for future years, when other parts of the budget are protected from cuts, is inequitable. This is both premature and unnecessary since there is no basis for cutting only K-14 education for the future years.

Furthermore, cutting K-14 education funding in the future runs counter to the goals of Proposition 98, which was designed to guarantee a minimum level of funding to school districts and community colleges. The initiative intended to raise California to the top ten states in per-pupil funding; California is currently ranked 46th nationally in adjusted per-pupil expenditures. The state’s community college funding is similarly among the lowest in the country.

Recommendation:

- Adopt a resolution opposing the Test 3B cut [see Attachment]

**LEGISLATIVE UPDATE – Bills Previously Considered by the Legislative & Public Affairs 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.

Update
- The district partnered with 3.14 Communications to provide media outreach and coalition building to raise the profile of AB 19 as it awaited the action from the Governor.
- The partnership successfully put together a press conference in Los Angeles that included Senate pro Tem de León, Assemblyman Santiago, Chancellor Rodriguez, AFT President Waddell and students.
- There was a second press conference in Sacramento with Assemblyman McCarty, Los Rios Chancellor King, Los Rios AFT President Murakami and students.
- The outreach resulted in a number of earned media spots and op-ed placements.
- There was also significant social media outreach on Facebook and Twitter.
- The drive also resulted in a partnership with Rise California, a student-led advocacy group, that collected over 6,000 signatures in support of AB 19 which they delivered to the Governor.

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

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:
  - With the consent of the person identified, or if the person is under 18, with the consent of the parent or guardian
  - As may legally be disclosed under state and federal privacy laws
  - For the programmatic purpose for which information was obtained
  - 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
    - 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 providers 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.

Position:

- The LACCD Legislative and Public Affairs Committee adopted a support position

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.

AB 343 [McCarty]: Public postsecondary education: holders of certain special immigrant visas

Status: Signed as Chapter 491, Statutes of 2017
Prepared by: SES

Summary: AB 343 [McCarty] exempts community college students who are refugees of special immigrant visa (SIV) holders from paying nonresident student fees. These refugees are Iraqi and Afghan nationals who worked directly with the US Armed Forces, as interpreters, translators, or otherwise. Upon admission to the US, holders of SIVs are granted lawful permanent resident (LPR) status under the Immigration and Nationality Act (INA).

The State Chancellor’s Office estimates an additional Proposition 98 cost of $2.2 million to claim these students for apportionment purposes.
AB 618 [Low]: Job Order Contracting
Status: Signed by the Governor
Prepared by: MGI

Summary:
This measure would authorize a community college districts with a Project Labor Agreement to utilize the contracting methodology of Job Order Contracting.

- **Job Order Contracting** is a contracting procedure that allows for the awarding of contracts based on prices for specific construction tasks rather than bids for a specific project. A catalog or book identifies all work that could be performed (typically maintenance or modernization projects) and the unit prices for each of those tasks. The tasks are based on accepted industry standards and prices include the cost of materials, labor, and equipment for performing the work, but exclude overhead and profit. A contractor, who has been prequalified, rather than bid a total price for the project, will bid an adjustment factor, which reflects specified costs, to the pre-set unit prices.

- Selection of the contractors is based on the lowest responsible bidder. JOC is intended to reduce costs and accelerate completion of smaller projects; it is not generally viewed as an appropriate method of contracting for large, complex construction projects that require extensive or innovative design or are likely to encounter changes and revisions during constructions.

Position:
- The LACCD Legislative and Public Affairs Committee adopted a support position

SB 54 [De Leon]. Law enforcement: sharing data
LACCD Position: Support
Prepared by: SES
Status: Signed as Chapter 495, Statutes of 2017

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.

Signing Message:
• The bill includes a signing message from the Governor (see attached).

Recommendation:
• The LACCD Legislative and Public Affairs Committee had adopted a support position on this bill.
Resolution for Los Angeles Community College District

RESTORE the Proposition 98 Test 3B Cut

WHEREAS, the voters approved Proposition 98, a constitutional initiative to provide a minimum level of funding to K-12 schools and community colleges in 1998; and

WHEREAS, the voters approved Proposition 30 in 2012 to prevent $4.5 billion in cuts to K-12 and higher education by increasing the sales tax by one-half cent and income tax on high income earners; and

WHEREAS, the voters approved Proposition 55 in 2018 to permanently increase the income tax on high income earners to support K-12 education; and

WHEREAS, despite these efforts California still ranks 46th in per pupil funding based on data from Education Week; and

WHEREAS, one of the goals of Proposition 98 is increase education funding to the average of the top 10 states in per pupil spending; and

WHEREAS, the education community is grateful for the Governor and Legislature’s effort to fully fund Proposition 98 pursuant to the Constitution and statute for the 2018-19 year; and

WHEREAS, the Governor and Legislature adopted language in the 2017-18 budget act to waive the statute for Test 3B funding for the 2018-19, 2019-20 and 2020-21 years; and

WHEREAS, the action taken will reduce Proposition 98 funding by $450 million in 2018-19; $290 million in 2019-20 and $110 million in 2020-21; and

WHEREAS, no other state agency or unit of local government received a reduction in their budgets for the 2018-19; 2019-20 and 2020-21 years; and

WHEREAS, there are no estimates available on revenues or expenditures to demonstrate that this reduction is justified over the 2018-19; 2019-20; and 2020-21 years; and
WHEREAS, the Los Angeles Community College District could lose $4.1 million in 2018-19; $2.7 million in 2019-20 and $1.0 million in 2020-21 for a total of $7.8 million over these three years;

WHEREAS, over 150,000 enrolled students in the Los Angeles Community College District will be directly affected from these reductions over the 2018-19; 2019-20; and 2020-21 years;

Now therefore it be resolved that, the Los Angeles Community College District oppose the Proposition 98 Test 3B reduction for the 2018-19; 2019-20; and 2020-21 years; and

Be it further resolved that, the Los Angeles Community College Board of Trustees urges the California Legislature and the Governor to restore the reduction in the 2018-19 budget, the 2019-20 budget and 2020-21 budget; and

Be it further resolved that a copy of this resolution be transmitted to the Governor and to the Los Angeles Community College District’s respective Assembly and Senate representative[s].
CONCURRENCE IN SENATE AMENDMENTS
AB 19 (Santiago, et al.)
As Amended September 8, 2017
Majority vote


Original Committee Reference: HIGHER ED.

SUMMARY: Establishes, under the administration of the California Community Colleges (CCC) Chancellor, the California College Promise.

The Senate amendments:

1) Authorize the CCC Chancellor, upon appropriation by the Legislature, to distribute funding to community college districts to fund CCCs that meet the requirements of the established promise program.

2) Require the CCC Chancellor to establish a funding formula that advances the goals of the promise program; ensuring that the formula factors in the number of full-time equivalent students (FTES) at a CCC and the number of students at a CCC who satisfy the requirements to receive federal Pell Grants.

3) Require, as condition to participate in the promise program, the following:
   a) Partnering with one or more local educational agencies (LEAs) to establish an Early Commitment to College Program that will provide secondary and postsecondary students and their families assistance that, in part, includes learning about college opportunities, completing college preparatory courses, and applying for college and financial aid;
   b) Partnering with one or more LEAs to support and improve high school student preparation for college and reduce postsecondary remediation through practices that may include, in part, small learning communities and concurrent enrollment;
   c) Utilizing evidence-based assessment and placement practices at the CCC that include multiple measures of student performance;
   d) Participating in the California Community College Guided Pathways Grant Program; and,
   e) Maximizing student access to need-based financial aid by leveraging the Board of Governors (BOG) fee waiver;

4) Authorize community colleges participating in the promise program, and receiving funds for said purpose from the CCC Chancellor, to use funds 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 Financial Aid (FAFSA) or a California Dream Act application.
5) Require the fee waiver in number four above, to only be for one academic year. 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.

6) Declare the Legislature’s intent that funding to support the promise program be used by the CCC to advance the goals of the program.

7) Define:
   a) "Full-time" to mean 12 or more semester units or the equivalent; and,
   b) "One academic year" to mean 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.

8) Authorize the CCC BOG to adopt regulations regarding the created promise program.

EXISTING LAW:

1) Establishes a $46/unit fee for students at the CCC, and waivers of such (Education Code (EC) Section 76300).

2) Provides for a waiver of fees for certain types of students, including:
   a) Students enrolled in specified public benefit programs;
   b) Homeless students;
   c) Those with household incomes below certain thresholds established by the CCC BOG or with demonstrated financial need, pursuant to federal law;
   d) 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;
   e) 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;
   f) The dependent of any California resident killed in the September 11, 2001 terrorist attacks;
   g) 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; and,
   h) The child of a recipient of the Congressional Medal of Honor (EC Section 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.

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), Chapter 10).

**FISCAL EFFECT:** 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."

**COMMENTS:** Purpose. 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. [United States]. 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 this measure 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.

**Background.** Over the 2015-16 academic year, the CCC served about 2.3 million students, with about 1.6 million students enrolling in each of the fall 2015 and spring 2016 semesters. For that same year, about one million students, or 43% of all students, received a BOG fee waiver—an equivalent of $800 million in waived fees. The vast majority of students receiving a BOG waiver do so because of limited family income or demonstrated financial need. Specifically, the income limit is less than or equal to 150% of federal poverty guidelines, and varies with family size. For a family of four, the limit is currently $36,375. Likewise, a student who submits the FAFSA and demonstrates at least $1,104 (24 units times $46/unit) of financial need—based on a complex formula that determines a family's expected contribution toward the student's cost of college—is eligible for the BOG waiver. Under this criterion, a student from a family of four with income up to $85,000 would be eligible for the fee waiver.

Around 30 percent of CCC students who enrolled during the fall 2015 semester (470,000) or the spring 2016 semester (430,000) took 12 or more units. This would include first-time students as well as continuing and returning students. Another 15% of students (about 240,000) took more than nine but less than 12 units.
Who Benefits from This Bill? In addition to those who already qualify for a BOG fee waiver, this bill waives fees for those students enrolled for the first time in the community college system and who take at least 12 units per semester. This new waiver would only be available for a newly enrolled student's first full academic year of attendance, which would include a summer term, if the new student chose to attend in the summer, and then the immediately following fall and spring semesters. (For campuses on a quarter system, it would include the immediately following fall, winter, and spring terms.)

Based on data provided by the Chancellor's Office of the CCC, for the 2014-15 academic year, about 19,000 first-time CCC students who did not receive a fee waiver – either because they did not qualify or did not apply – enrolled in at least 24 units during that year. While there are limitations in this data, it can be assumed that a majority of these students likely enrolled in at least 12 units during each of the fall and spring semesters. Under this bill, these students would have automatically received a fee waiver for their first full year of attendance. Since this new fee waiver would be available to all newly-enrolled full-time CCC students, this benefit would generally accrue to students who are less needy (including those from affluent families), compared to full-time students who currently qualify for a BOG fee waiver. Notably, the new fee waiver benefit would disproportionately assist those at campuses with relatively larger shares of non-needy students who attend school full time. To note, about one-third of the 19,000 students referenced above attended just 12 of the system’s 113 campuses, which constitute only about 18% of total CCC enrollment.

Additionally, to the students who attended full-time for two semesters, more than 10,000 other first-time CCC students enrolled in at least 12 units in their first semester, and would have received the fee waiver for this semester. Some of these students may not have enrolled in at least 12 units in their second semester and others may not have first enrolled until the spring semester, thus either group would only be eligible for one semester of fee waiver under this bill.

Other Impacts. While the above discussion represents the most easily quantifiable impact of this bill, there would likely be other impacts. For example, the opportunity to obtain a fee waiver in return for full-time enrollment might induce additional first-time students to take a full course load. As mentioned earlier, last year almost a quarter-million students were, in general, only one course short of meeting the 12-unit qualifying threshold of this bill. Based on the proportion of students in the system that are first-time students (about 17%), the number who may see this new benefit as a sufficient incentive to full-time enrollment might approach the low tens of thousands.

In addition to promoting full-time enrollment, the ability of districts to provide the public with the simple message that students’ first-year of community college could include no fees may spur additional enrollment demand of both part-time and full-time students, many of which would be eligible for fee waivers, either under the existing eligibility criteria or under this bill's requirements.

AB 19 and College Promise Programs? In general, College Promise programs are partnerships seeking to align local K-12 school districts, community colleges, and public universities by providing clear pathways for students to achieve their educational goals. Such programs seek to improve college readiness, access, and the overall success of participants. Some community college districts in California, along with their school district and university partners, already have promise programs, and many other programs are in the planning stages.
As part of the 2016-17 Budget Act, the Legislature provided $15 million in one-time competitive grants for establishing or expanding CCC promise programs. A budget trailer bill, AB 1741 (Rodriguez), was the implementing legislation for the grant program. Upon receiving and evaluating grant applications, the CCCC0, which is administering the program, recommended 14 districts to receive grants of either $1.5 million (for multiple colleges within a district) or $750,000 (for single-campus districts or for a single campus within a multi-college district). These grants were awarded by the BOG earlier this year. As determined by the CCCC0 and the BOG, the successful applicants were those districts who best demonstrated how their promise program would meet the following goals:

1) Increase the number and percentage of high school students within the region who are prepared for and attend college directly from high school.

2) Increase the percentage of high school graduates within the region who are placed in college-level Math and English at a public postsecondary university in California.

3) Increase the percentage of students from the region who: earn associate degrees or career technical education certificates; successfully transfer from a community college to UC or CSU; graduate with a bachelor’s degree.

4) Reduce and eliminate achievement gaps for students from groups that are underrepresented in postsecondary education.

Though not a program requirement, district applications were also given additional consideration if able to identify local public and private sources of funding to develop a sustainable program and/or to leverage new or existing sources of local and state funding to better align efforts to improve student success.

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960    FN: 0002220
CONCURRENCE IN SENATE AMENDMENTS
AB 21 (Kalra, et al.)
As Amended September 8, 2017
Majority vote

Original Committee Reference: HIGHER ED.

SUMMARY: 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 education institutions in California that safeguard against immigration enforcement activities on campuses.

The Senate amendments:

1) Require that the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and request the UC Regents to refrain from disclosing personal information about students, faculty, and staff except: a) 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; b) as may legally be disclosed under state and federal privacy laws; c) for the programmatic purpose for which the information was obtained; d) as part of a directory that does not include residence addresses or individual persons' course schedules and that the person has not elected to opt out of; or, e) in response to a judicial warrant, court order, or subpoena.

2) Require that the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and request the UC Regents to ensure that 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, notify the person's emergency contact that the person has been taken into custody.

3) Require that the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and request the UC Regents to comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant; and, specify that this measure does 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.

4) Require that the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and request the UC Regents adopt and implement, by March 1, 2019, the model policy developed by the California Attorney General or an equivalent policy, limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.

5) Require that the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and request the UC Regents to post on its Internet Web site in a conspicuous location and provide via email quarterly or each semester...
updates to all students, faculty, and staff: a) a copy of the adopted policy; and, b) guidance informing them of their rights. Stipulating that the information posted on the Internet Web sites should be updated as often as necessary to reflect any changes to federal and state immigration laws and university or college policies and procedures.

6) Define "immigration officer" as any state, local, or federal law enforcement officer who is seeking to enforce immigration law.

7) Provide clarifying and technical changes.

8) Add joint-authors and co-authors.

EXISTING LAW:

Federal law.

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.

1) Individuals may request consideration of DACA if they meet all of the following requirements:

   a) Were under the age of 31 as of June 15, 2012;

   b) Came to the United States before their 16th birthday;

   c) Have continuously resided in the United States since June 15, 2007, up to the present time;

   d) Were physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action;

   e) Had no lawful status on June 15, 2012, meaning never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole obtained prior to June 15, 2012, that had expired as of June 15, 2012;

   f) Currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and,

   g) Have not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

2) 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) Section 287.7(a)).

3) 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 Section 287.7(d)).

4) 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 federal Immigration and Customs Enforcement (ICE) and the local police are documented in memorandum of agreements (8 United States Code (U.S.C.) Section 1357(g)).

5) 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. Section 1373(a)).

6) 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. Section 1644).

7) 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).

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) Section 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 Section 70901).

3) Grants CSU Trustees regulatory authority over the CSU (EC Section 89030, et seq.).
4) Grants the UC Regents regulatory authority over the UC (EC Section 92440, et seq.).

5) 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) Section 7282 (c)).

6) 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 Section 7282.5).

7) 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 Section 7283.1).

FISCAL EFFECT: According to the Senate Appropriations Committee:

1) 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.

2) 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.

3) 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.

COMMENTS: Background. The 45th President of the United States issued an Executive Order on January 25, 2017, that aims to greatly increase the number of immigration officials and expand the population of Californians that could be subject to deportation. Additionally, on September 5, 2017, the United States Attorney General announced that DACA will be rescinded.

Need for the measure. According to the author, "With great risks of changes to immigration policies and enforcement at the federal level, it is more important than ever for us to work to protect our students and ensure that, regardless of their immigration status, they 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."

This measure is an attempt to ensure that potentially affected college and university students are made to feel safe and protected to the fullest extent via the campuses they attend.
Current practices by postsecondary education segments.

1) UC welcomes and supports students without regard to their immigration status. The UC recently issued its statement of principles reaffirming its commitment to vigorously protect the privacy and civil rights of all UC undocumented students and all members of their community.

Many UC campuses are working to empower faculty and staff with the knowledge and skills required to create safe spaces for undocumented students. For instance, the systemwide UndocuAlly program trains faculty and staff to understand the history, legislation, and current and future realities of undocumented students. Every UC campus has at least one person on staff who can answer the questions of its undocumented students and provide guidance. Additionally, the UC continues to remind their students that their privacy is protected by law and that regardless of who they approach on campus, their immigration status will remain confidential.

2) The CSU recently issued systemwide guidance and principles in order to address its relationship and/or involvement with ICE. The guidance and principles, among others, specifically state that each campus shall clearly articulate in its policies that individuals will not be contacted, detained, questioned, or arrested solely on the basis of being suspected of being an undocumented immigrant; and, CSU Police Departments will not honor ICE immigration hold requests, unless it is consistent with California Government Code Section 7282.5.

Additionally, CSU believes it is vital for their students to have access to legal advice and guidance from qualified professionals. Committee staff understands that CSU has initiated conversations with California Department of Social Services (CDSS) about ensuring their students have access to legal services that have already been vetted and funded with existing contractual agreements with state agencies.

3) The CCC Office of the Chancellor recently issued guidance and principles to its system of 114 colleges in order to address uncertainty over possible immigration policy changes. The guidance and principles, among others, specify that community college district police departments should not detain, question or arrest any individual solely on the basis of suspected undocumented immigration status; and, no confidential student records should be released without a judicial warrant, subpoena or court order, unless authorized by the student or required by law.

Additionally, Committee staff understands that based on a fall 2016 survey, of the 72 community college districts, 10 districts have already established Dream Centers and 30 districts have targeted strategies in place to eventually lead to the creation of a Dream Center.

4) Many of California's Independent Colleges and Universities' Presidents have issued statements in support of DACA and their undocumented immigrant students. Presidents of these institutions have committed to upholding free inquiry and education in their colleges and universities, and to providing the opportunity for all students to pursue their learning and life goals in a safe environment.

Additionally, the Association of Independent California Colleges and Universities conducted two immigration symposiums for the leadership of the various independent colleges and
universities. The symposiums, conducted in March of this year, were successful in building and fostering support networks around immigrant communities.

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960  
FN: 0002244
Assembly Bill No. 343

CHAPTER 491

An act to add Section 68075.6 to the Education Code, relating to postsecondary education.

[Approved by Governor October 5, 2017. Filed with Secretary of State October 5, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 343, McCarty. Public postsecondary education: holders of certain special immigrant visas.

(1) Existing law establishes the California State University, the California Community Colleges, and the University of California as the 3 segments of public postsecondary education in this state. Existing law exempts specified students from paying nonresident tuition at the California State University and the California Community Colleges, as specified.

This bill would express legislative findings and declarations relating to persons provided with special immigrant visa status due to their displacement because of wars taking place in their home countries. The bill would exempt students who have been granted special immigrant visas pursuant to a specified federal statute, or are refugees admitted to the United States under a specified federal statute, and who, upon entering the United States, settled in California, from paying nonresident tuition at the California Community Colleges. The bill would also authorize a community college district to report a student, who is exempt from nonresident tuition under this bill and who is enrolled as a student of that district, as a full-time equivalent student for apportionment purposes.

To the extent that this bill would place additional requirements on community college districts to exempt those students from nonresident tuition, the bill would impose 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. Section 68075.6 is added to the Education Code, to read:

68075.6. (a) The Legislature finds and declares all of the following:
The wars in Afghanistan, Iraq, Syria, and other countries have displaced many families, causing many of them to flee their homes in search of a better life. Between 2011 and March 2017, more than 36,000 refugees entered California, with nearly 8,000 of them entering in 2016.

(2) Under the National Defense Authorization Act for Fiscal Year 2006, certain Afghan and Iraqi nationals were provided special immigrant status in the United States. Through the end of 2015, more than 37,000 individuals were granted special immigrant visa (SIV) status under this program. Between 2011 and March 2017, 9,200 SIV holders resettled in California.

(3) Many of these families have escaped war and persecution in order to improve the lives of their families, but encounter numerous barriers, such as the cost of higher education, when assimilating into the United States. Access to institutions of higher education will ensure that students from these families are able to pursue their educational goals and rebuild and improve their lives and the lives of their families.

(b) Notwithstanding any other law:

(1) A student of the California Community Colleges who has a special immigrant visa that has been granted a status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Section 76140 for the length of time he or she lives in this state up to the minimum time necessary to become a resident.

(2) A community college district may report a student, who is exempt from nonresident tuition pursuant to this section and who is enrolled as a student in that district, as a full-time equivalent student for apportionment purposes.

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.
CONCURRENCE IN SENATE AMENDMENTS
AB 618 (Low and Gomez)
As Amended June 12, 2017
Majority vote


Original Committee Reference: HIGHER ED.

SUMMARY: This bill authorizes community college districts to enter into job order contracts (JOC), an alternative construction contracting agreement currently available to school districts, until January 1, 2022.

The Senate amendments would exclude an architect, engineer, consultant, or contractor retained to assist a school district or community college district in the development of JOC documents from bidding, or participating in the preparation of a bid, with any job order contractor.

EXISTING LAW:

1) Authorizes job order contracting for school districts until January 1, 2022. (Public Contract Code (PCC) Section 20919.20 et seq.)

2) Restricts job order contracting to school districts that have entered into project labor agreement(s) (PLA) that will apply to all public works in excess of $25,000 undertaken by the school, or school district through at least December 31, 2021, regardless of what contracting procedure is used to award that work. (PCC Section 20919.23)

3) Requires job order contractors to submit a questionnaire to the school district containing specified information verified under oath. (PCC Section 20919.24 et seq.)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rules 28.8, negligible state costs.

COMMENTS: Need for the bill. According to the author, current construction options available to community college districts, such as "design-bid-build", may not be the most efficient or cost-effective for smaller projects procured by community colleges. This bill is intended to provide community college districts with PLAs JOC authorization identical to one that K-12 school districts were granted in 2015 as an alternative method to deliver smaller projects while protecting the integrity of the bidding process and adherence to labor law.

Job order contracting. JOC is a contracting procedure that allows for the awarding of contracts based on prices for specific construction tasks rather than bids for a specific project. A catalog or book identifies all work that could be performed (typically maintenance or modernization projects) and the unit prices for each of those tasks. The tasks are based on accepted industry standards and prices include the cost of materials, labor, and equipment for performing the work, but exclude overhead and profit. A contractor, who has been prequalified, rather than bid a total price for the project, will bid an adjustment factor, which reflects specified costs, to the pre-set unit prices.
Selection of the contractors is based on the lowest responsible bidder. JOC is intended to reduce costs and accelerate completion of smaller projects; it is not generally viewed as an appropriate method of contracting for large, complex construction projects that require extensive or innovative design or are likely to encounter changes and revisions during constructions.

LAUSD experience. In 2003, AB 14 (Horton), Chapter 889, authorized a JOC pilot program at Los Angeles Unified School District (LAUSD) from January 1, 2004 until December 1, 2007. In subsequent extensions of the pilot program, procedures were established to review and penalize violations of the program, required notifications of the scope of work to ensure the appropriate workers and apprentices were utilized, and required reports to the Legislature. This program has allowed for local workers and contractors to accomplish over 3,300 job orders totaling more than $300 million from 2005-2012.

In the LAUSD pilot program's report to the Legislature, project costs were approximately 9.3% lower than the estimates. The report also stated that JOC reduced the total procurement time by more than half. Due to the success of the LAUSD pilot, AB 1431 (Gomez), Chapter 753, Statutes of 2015 authorized all school districts that have entered into a PLA to utilize JOC.

Arguments in support. The State Building and Construction Trades Council of California, the sponsor of this bill, writes that "AB 618 will improve the cost effectiveness and efficiency of smaller construction tasks at community colleges without forgoing quality, the integrity of the bidding process, and compliance with labor laws. The bill also provides more flexibility to school and community college governing boards by removing the threshold amount for the PLA so that an amount that is more suitable to local needs can be applied upon agreement."

The sponsor adds that, "PLAs are carefully negotiated agreements used in the private and public sector that help provide career opportunities to residents of economically depressed areas, veterans, women, emancipated youth from the foster care system, and other targeted groups. These agreements are crafted to meet a community's particular needs, and remain an invaluable tool for creating local jobs, encouraging fair and open competition, and maximizing taxpayer dollar on public works projects."

Arguments in opposition. Opposition from Merit Shop contractor associations argue that, "[JOC] is intended to simplify the contracting process for simple, 'routine' construction and maintenance projects; conversely proponents of Project Labor Agreements (PLA) cite their value for complex and large construction projects with multiple construction trades. PLAs cost school districts to administer and reduce competition – meaning PLAs produce less construction for each tax dollar. AB 618 discriminates against many State-approved apprenticeship programs in conflict with PCC Section 2500 and CCR [California Code of Regulations] Section 230.1. AB 618 requires Community College districts that wish to execute even one JOC contract to negotiate and execute a PLA that lasts not less than five years which would apply to every construction project by the district 'regardless of what contracting procedure is used to award that work.'…The complexity and costs associated with the PLA mandate in AB 618 is the exact opposite of the goals of JOC."

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960  
FN: 0001177
To the Members of the California State Senate:

I am signing Senate Bill 54, the California Values Act.

This bill states that local authorities will not ask about immigration status during routine interactions. It also bans unconstitutional detainer requests and prohibits the commandeering of local officials to do the work of immigration agents. The bill further directs our Attorney General to promulgate model policies for local and state health, education, labor and judiciary officials to follow when they deal with immigration matters.

In enshrining these new protections, it is important to note what the bill does not do. This bill does not prevent or prohibit Immigration and Customs Enforcement or the Department of Homeland Security from doing their own work in any way. They are free to use their own considerable resources to enforce federal immigration law in California. Moreover, the bill does not prohibit sheriffs from granting immigration authorities access to California jails to conduct routine interviews, nor does it prevent cooperation in deportation proceedings for anyone in state prison or for those in local jails for any of the hundreds of serious offenses listed in the TRUST Act.

These are uncertain times for undocumented Californians and their families, and this bill strikes a balance that will protect public safety, while bringing a measure of comfort to those families who are now living in fear every day.

Sincerely,

Edmund G. Brown Jr.
Sponsored by Trustees Buelna, Hoffman and Kamlager

Subject: RESOLUTION – IN SUPPORT OF URGING CONGRESS TO TAKE AFFIRMATIVE STEPS TOWARD A BIPARTISAN DEFERRED ACTION CHILDHOOD ARRIVALS (DACA) POLICY THAT PROVIDES A PERMANENT PATHWAY TO CITIZENSHIP

Whereas, On September 5, 2017, the Trump Administration ordered an end to the program known as Deferred Action for Childhood Arrivals, or DACA, and the Administration has urged Congress to identify a replacement within six months before the Administration phases out DACA’s protections. The outcome will determine the legal status and ultimate fate of approximately 800,000 immigrants known as “Dreamers” who were brought to the United States as children and who are eligible—under the existing DACA program; and

Whereas, Existing DACA recipients with permits that expire on or before March 5, 2018 are eligible to apply for renewal, if they submit renewal applications by October 5, 2017; and

Whereas, In an act of faith and trust in America’s promise of opportunity and the historical legal principle of not punishing children for the actions of their parents and/or guardians, “Dreamers” gave their names, addresses and telephone numbers to the United States Government to participate in the DACA program; and

Whereas, The callous decision by the Trump Administration to end the Deferred Action for Childhood Arrivals (DACA) program is antithetical to American values and abandons the promise made to over 800,000 individuals pursuing the American Dream; and
Whereas, The average DACA recipient immigrated to the United States when they were six years old and has spent the majority of his or her life living in the U.S.; and

Whereas, The DACA program has offered the opportunity for hundreds of thousands of Americans to reach their educational goals regardless of their immigration status; and

Whereas, The shortsighted political calculation of ending DACA inhibits the aspirations of 222,795 Californians including the California community college students; and

Whereas, Our vision for California’s community colleges is to provide access to a quality public higher education for all Californians, and as the largest public system of higher education in the U.S., we take great pride in being the pathway to opportunity for Californians of all backgrounds; and

Whereas, A study of DACA recipients by the University of California, San Diego, found that the incomes of those participating in the program increased by 45%; and

Whereas, A recent analysis by the CATO Institute found that the U.S. economy could be reduced by $215 billion, and the federal government would lose $60 billion in tax revenues with the elimination of DACA; and

Whereas, DACA recipients are ineligible for federally funded financial aid program such as subsidized loans, grants, scholarships or work study, subsidies provided by the Affordable Care Act, Medicaid, food stamps or cash assistance, despite paying income, sales and other taxes; and

Whereas, Seventy percent of DACA recipients are in school and 92% of them identify DACA as permitting them to pursue educational opportunities previously unavailable; and

Whereas, To qualify for DACA eligible applicants must not have committed a felony or significant misdemeanor, have been brought into the country under the age of 16, have lived continuously in the United States since 2007 and have to be either currently in school, have graduated from high school or have been honorably discharged from the U.S. Armed Forces; and
Whereas, President Trump has put the educational goals and career aspirations of hundreds of thousands of Californians on hold and their future and America’s economy at risk; and

Whereas, As a result, the Los Angeles Community College District has experienced a 15 percent decline in DACA student enrollment in the Fall 2017 semester, a significant decline in comparison to historical enrollment trends for this cohort of students, and

Whereas, The Los Angeles Community College District is committed to partnering with community based organizations to provide mental health and trauma-sensitive services and support for DACA students to reduce stress, develop emotional awareness and promote greater overall wellbeing, and

Whereas, We remain steadfast in our commitment to educational opportunity and will stand with “Dreamers” to protect quality public community colleges for all Californians; now, therefore, be it

Resolved, That the LACCD Board of Trustees support the DACA extension as part of a comprehensive national immigration reform policy and a permanent solution and pathway to citizenship for undocumented immigrants; and be it further

Resolved, That the LACCD Office of General Counsel is directed to explore all options to participate in existing litigation and to protect the confidentiality of all student records to the greatest extent allowed by law; and, be it further

Resolved, Resolved, That the LACCD Office of General Counsel is directed to identify organizations providing legal services and to facilitate workshops regarding students’ legal rights at College Dream Centers or other designated areas; and, be it further

Resolved, That the LACCD Board of Trustees urges California’s Congressional members to uphold California values, and to fill the leadership void created by President Trump’s decision, and to codify protections contained within the Deferred Action for Childhood Arrivals Program that will permit thousands of California “Dreamers” to achieve their highest potential and, be it further
Resolved, That the Board of Trustees of the Los Angeles Community College District hereby urges the Congress of the United States, and our State and local leaders—in keeping with the highest and best traditions of our pluralistic constitutional democracy—to acknowledge and accept the moral imperative of relieving these victims of circumstance from the fear of deportation, and to provide our nation’s “Dreamers” with continued relief from deportation, and a path to permanent citizenship.