

ASSEMBLY BILL

No. 21

Introduced by Assembly Member Kalra

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, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as introduced, Kalra. Public postsecondary education: Access to Higher Education for Every Student.

(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, commencing with the 2017–18 academic year, would require the Trustees of the California State University and the governing boards of community college districts, and would request the regents, to the fullest extent consistent with federal law, to: refrain from releasing certain information regarding the immigration status of students and other members of the communities served by these campuses; refuse to allow officers or employees of United States Immigration and Customs Enforcement to enter campuses of their respective segments on official business of that agency unless they provide specified information and at least 10 business days' advance notice; provide stipends for health care for all students who are not eligible for Medicaid and who cannot afford health insurance provided through the institution; offer on-campus housing, or a stipend to cover the cost of off-campus housing, during the periods between academic terms to students who face a significant risk of being unable to return to their respective campuses, as specified; provide for access to legal services without cost to students who face a significant risk of being unable to complete their studies because of possible actions by federal agencies or authorities; and ensure that certain benefits and services provided to students are continued in the event that a specified federal policy is reversed.

The bill would express the intent of the Legislature that the provisions of the bill be funded, commencing with the 2017–18 fiscal year, through appropriations for these purposes in the annual Budget Act.

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.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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) Colleges and universities have traditionally been beacons of free thought that challenge students in a peaceful, safe environment. It is our institutions of higher education that have always been the pride of our great state. With great risks of changes to approaches 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.

(2) To that end, at all public colleges and universities in this state, we must do all of the following:

(A) Guarantee student privacy by refusing to release information regarding the immigration status of students and other community members and refusing to comply with immigration authorities regarding deportations or raids.

(B) Require the federal Immigration and Customs Enforcement Agency to provide notice to the administrations of our public colleges and universities before they may enter our campuses on official business.

(C) Provide health care stipends for students who do not have access to Medicaid and who cannot afford to pay for school-provided health insurance.

(D) Offer housing to students who cannot return home during the breaks between academic terms.

(E) Bring legal practitioners to campuses so that they may provide legal counseling to students who may be in jeopardy of not being able to continue their education.

1 (3) In the event that the federal Deferred Action for Childhood
2 Arrivals (DACA) policy is reversed, all of the following should
3 be goals of our public colleges and universities:

4 (A) Ensuring that former DACA students continue to receive
5 their financial aid and fellowship stipends by creating special funds,
6 segregated from federal moneys, and guaranteeing that former
7 DACA students who qualify for exemption from nonresident tuition
8 continue to be exempt.

9 (B) Creating special funding sources to provide undocumented
10 students with stipends that the students can receive for participation
11 in research under the guidance of faculty members or participation
12 in other meaningful educational projects.

13 (C) Assigning resources, including, but not necessarily limited
14 to, office space and designated staff who, on a strictly confidential
15 basis, will assist former DACA students and other students in need
16 of their services.

17 (4) With these protections in place, we will show that we are
18 willing to take the steps necessary to ensure that our students have
19 every opportunity to continue their education without fear or undue
20 risk. We will reaffirm our values as a nation that honors the
21 attainment of education for the betterment of the individual and
22 the community. We will also honor a principle that values every
23 person for the potential he or she possesses, regardless of what
24 their immigration status might be. It is in our best interests, as a
25 nation of immigrants that has benefited greatly from talent that
26 has flowed here from all over the world, to ensure that all of our
27 residents who choose to attain academic success may further
28 contribute to the productivity of this great state and nation.

29 (b) Therefore, it is the intent of the Legislature to enact
30 legislation to effectuate the policies set forth in subdivision (a) and
31 ensure that public institutions of higher education are safe spaces
32 immune from immigration enforcement activities with access to
33 financial aid programs and medical care for all students regardless
34 of immigration status.

35 66093.3. Commencing with the 2017–18 academic year, the
36 Trustees of the California State University and the governing board
37 of each community college district in the state shall, and the
38 Regents of the University of California are requested to, do all of
39 the following to the fullest extent consistent with federal law:

1 (a) Refrain from releasing information regarding the immigration
2 status of students attending, and other members of the communities
3 served by, their respective campuses.

4 (b) Refuse to allow officers or employees of United States
5 Immigration and Customs Enforcement to enter campuses of their
6 respective segments on official business of that agency unless they
7 provide a written description of the nature of that official business,
8 and the necessity for entering the campus in furtherance of that
9 official business, to the chief executive officer of the campus at
10 least 10 business days before the proposed entry onto the campus.

11 (c) Provide stipends for health care for all students who are not
12 eligible for Medicaid and who are unable to afford to pay for health
13 insurance provided through the institution attended by the student.

14 (d) Offer on-campus housing, or a stipend to cover the cost of
15 off-campus housing, during the periods between academic terms
16 to students who face a significant risk of being unable to return to
17 their respective campuses to resume their studies if they travel to
18 their family residences during this academic break.

19 (e) Provide for access to legal services without cost to students
20 who face a significant risk of being unable to complete their studies
21 because of possible actions by federal agencies or authorities.

22 (f) Ensure, in the event that the federal Deferred Action for
23 Childhood Arrivals (DACA) policy is reversed, both of the
24 following:

25 (1) That there is funding from appropriate sources so that
26 students to whom the DACA policy was applicable may continue
27 to receive financial aid, fellowship stipends, exemption from
28 nonresident tuition fees, funding for research or other educational
29 projects, and the other benefits they have received.

30 (2) That office space and designated staff are available to assist,
31 on a strictly confidential basis, former DACA students, and other
32 students who may face similar issues that place at risk the
33 continuation of their education.

34 66093.5. It is the intent of the Legislature that the provisions
35 of this article shall be funded, commencing with the 2017–18 fiscal
36 year, through appropriations for these purposes in the annual
37 Budget Act.

38 SEC. 2. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

3 SEC. 3. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety within
5 the meaning of Article IV of the Constitution and shall go into
6 immediate effect. The facts constituting the necessity are:

7 In order for the provisions of this act to apply to the public
8 postsecondary segments in time for the commencement of the
9 2017–18 academic year and to prevent hardship for affected
10 students, it is necessary that this act take effect immediately.