

To: Pilar G. Morin pmorin@lewlegal.com
Date: 11/22/2016 03:26 PM
Subject: California Legal Protections of Student Rights: Mt. SAC as a Safe Haven

Yes, I would very much appreciate your firm's attention to creating a work product that would guide California Community Colleges as we seek to provide the maximum legal protection for our students. Give me a call back when you have a chance. In the meantime, let me share some thoughts about creating Mt. SAC as a Safe Haven. I fully admit that my knowledge on the subject is limited!

On Privacy Matters

- It is our intention to not disclose student information, particularly SSNs and related residency information, without a specific court order identifying an individual and the exact information required.
- This limitation of privacy includes all passive forms of sharing information even if legal to do so. Examples include not identifying key student information in federal IPEDS reports, campus police reports, student discipline proceedings, financial aid documents, and applications for admission.
- We are considering opting out of CCCApply if SSNs are required for noncredit student enrollment—a process under consideration by the Chancellor's Office, but, in our opinion, not legally mandated.
- It is also our intention to make a public announcement of our commitment to the protection of student privacy and to provide a set of practical guidelines to students in protecting their own privacy.

On Eligibility for In-State Fees and Financial Aid

- It is our intention not to disclose information provided by students to determine eligibility for AB 540 status (as expanded under recent law).
- It is our intention to cease over-emphasizing the FAFSA as a universal application for community college financial aid and instead make the BOG Fee Waiver Application widely available.

On Employment Status

- It is our intention not to report student worker employment data beyond legal mandates.
- It is our intention to continue employment of those whose DACA work permit expires.

Support for Undocumented Students

- It is our intention to continue providing privately funded scholarships to undocumented students without revealing their identity.
- It is our intention to continue using state funding to provide support specifically directed to undocumented students related both to their academic needs and their emotional well-being, in particular, through the Mt. SAC DREAM Center.
- It is our intention to provide to students referrals to community based organizations that provide expertise in matters that assist students in continuing their education.
- It is our intention to provide set-aside resources for targeted needs of undocumented students such as transportation, child care, food vouchers, and extended student health center services.
- It is our intention to create an educational manifesto outlining the economic, social, and political advantages of a United States affirmative policy to welcome new generations of immigrants and provide a clear, equitable, timely path to citizenship for those new Americans.

Bill

From: Pilar G. Morin pmorin@lewlegal.com
Date: 11/22/2016 09:51 AM
Subject: California Legal Protections of Student Rights

Thank you for thinking of me for this work. It is something that my partners and I have been thinking about and discussing since the election. Last week, we attended the Community College League Conference. During our Legal Eagles Presentation, a discussion, very similar to what you outlined in your email, took place. And as you have noted, we informed those attending that going forward, we need to analyze what falls within the state's law versus federal law. We can begin preparing an analysis of the various issues, in particular student privacy (what is protected by FERPA v. protections under California's Education Code, Cal. Constitutional Right to Privacy, statutes and case law) and immigration. Please let me know if this is what you have in mind.

Pilar Morin | Partner
6033 W. Century Boulevard, 5th Floor
Los Angeles, CA 90045
phone: 310.981.2004 | fax: 310.337.0837

To: Pilar G. Morin
Sent: Monday, November 21, 2016 8:36 AM
Subject: California Legal Protections of Student Rights

As I'm sure you are aware, there is concern verging on fear among many students on California community college campuses--and around the nation as well. This stems in large part from potential changes in federal laws, regulations, executive orders, and Dear Colleague letters as the new administration assumes power. Those concerns are certainly real. As a counter point, California is most likely the leading state in the nation in protecting student rights, not only in laws and regulations but in significant court precedents. It has been my observation that very few understand the distinction between student protections that stem from federal oversight and those which stem from California oversight.

In my position as not only the leader of Mt. San Antonio College but a leader statewide, I take my role of carrying out the dictates of government seriously--but I do so by tempering that duty with the very real needs of the students and community served by community colleges. With that in mind, I would like your assistance in creating a clear, accurate, and responsive message to our students, our colleges, and our state and national education leaders. In my opinion, that message would be very influential by citing just what student protections are federal based, which are state based, and which are routed in adjudication of key court cases.

To put it simply, there is power in advocating for maintaining the protection of student rights through state and judicial authority despite federal actions, but that advocacy must be well informed to be well armed.

I know this is a big task and one that stretches the boundaries of legal advice into public policy, but I have to believe that many powerful voices must be raised to protect the rights that many have fought so hard to gain.

Bill