

Date of Hearing: March 13, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1887 (Medina) – As Introduced January 18, 2018

[Note: This bill is doubled referred to the Assembly Education Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Public education governance: service on boards and commissions.

SUMMARY: Stipulates that regardless of Government Code (GOV) Section 1020, any student attending a campus of the California Community Colleges (CCC), the California State University (CSU), or the University of California (UC) who is exempt from paying nonresident tuition, as specified, may serve on any board or commission established that includes members who are students; and, makes technical changes to existing law.

EXISTING LAW:

- 1) Specifies that any student, including a person without lawful immigration status, or a person who is exempt from nonresident tuition, as specified, may serve in any capacity in student government at the CSU, CCCs and receive any grant, scholarship, fee waiver or reimbursement for expenses incurred connected with that service to the full extent consistent with federal law; and, requests the UC to comply (Education Code (EC) Section 66016.3).
- 2) Requires two students from the CSU, having at least sophomore year standing at the institutions they attend, and who remain in good standing as students during their respective terms, to be appointed by the Governor to serve on the CSU Board of Trustees for two-year terms (EC Section 66602(b)(1)).
- 3) Exempts specified California nonresidents from paying nonresident tuition at UC, CSU, and California Community Colleges (CCC), also known as the AB 540 nonresident tuition waiver, if they meet all of the following:
 - a) Attended or attained credits at a California high school, an adult school, a CCC campus, or a combination of these entities, for the equivalent of three or more years; or completed three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of such elementary and secondary schools;
 - b) Graduated from a California high school or attained an equivalent degree; attained a CCC associate degree; or fulfilled the minimum transfer requirements from a CCC campus to a UC or CSU campus;
 - c) Registered or attended an accredited California higher education institution beginning after fall of the 2001-02 academic year; and,
 - d) If a person without lawful immigration status has filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an

application as soon as he or she is eligible to so do (EC Section 68130.5.).

- 4) Authorizes the establishment of a CSU student body organization and associated fees (EC Section 89300, et seq.).
- 5) Requires the local governing board of each CCC district to include one or more nonvoting students within the membership of the board, requiring, among other things, that these student members be enrolled in a community college of the district, and entitling the nonvoting student board members to mileage reimbursement but specifically prohibiting their receipt of compensation (EC Section 72023.5).
- 6) Authorizes the establishment of CCC student body organizations and associated fees (EC Section 76060, et seq.).
- 7) Stipulates that the civil executive officers of the state, include, in part: a Governor; a Lieutenant Governor; a Secretary of State; a Controller; a Treasurer; an Attorney General; a Superintendent of Public Instruction; an Insurance Commissioner; the head of each department and all chiefs of divisions, deputies, and secretaries of a department; such other officers as fill offices created by or under the authority of charters or laws for the government of counties and cities or of the health, school, election, road, or revenue laws; or persons serving on boards or commissions created under the laws of the state or established under the State Constitution (GOV Section 1001).
- 8) Stipulates that a person is incapable of holding a civil office if at the time of his/her election or appointment he/she is not 18 years of age and a citizen of the state; and, specifies that no person be incapable of holding any office in a youth services bureau solely by reason of being under 18 years of age (GOV Section 1020, et seq.).

FISCAL EFFECT: Unknown

COMMENTS: *Background.* AB 2881 (Committee on Judiciary), Chapter 703, Statutes of 2016, made a change to Government Code Section 1001. The change makes all individuals who will serve on boards and commissions subject to the residency requirements in GOV Section 1020.

This change has resulted in the unintended consequence of undocumented students no longer being eligible to serve on education boards and commissions. Additionally, according to anecdotal data, many undocumented students are hesitant to now run for a student government office on their individual campuses.

Need for the measure. According to the author, the state presently lacks fair standards that provide all students equal opportunity to participate on student boards. The author contends that this has caused some undocumented students to not serve or to be ineligible to serve on state boards and commissions.

This measure authorizes any pupil attending a California public secondary school who is under the age of 18 to be eligible to serve on any board or commission. Additionally, this measure allows any postsecondary student, including undocumented students, to serve in any capacity in student government or be eligible to serve on a statewide board or commission.

Committee comments and amendments. As presently drafted, this measure does not provide allowance for an undocumented student who attends an independent college or university to be eligible for an appointment to serve on a board or commission. *With this in mind, Committee Staff recommends, and the author has agreed to accept, the following amendment:*

(2) Notwithstanding Section 1020 of the Government Code, any student attending a campus of the California Community Colleges, the California State University, the University of California, **or an independent institution of higher education as defined in Section 66010 of the Education Code**, who is exempt from paying nonresident tuition pursuant to Section 68130.5 may serve on any board or commission established pursuant to this title that includes members who are students.

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center
California State University
Faculty Association of California Community Colleges

Opposition

None on file.

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