
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No:	AB 1887	Hearing Date:	June 6, 2018
Author:	Medina		
Version:	May 23, 2018		
Urgency:	Yes	Fiscal:	Yes
Consultant:	Lynn Lorber		

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

SUMMARY

This bill, an urgency measure, authorizes a student who attends a public postsecondary educational institution or independent institution of higher education and who is exempt from paying non-resident tuition as specified, and authorizes a student who attends a public secondary school who is under the age of 18 years, to serve on any board or commission, as specified.

BACKGROUND

Existing law:

- 1) Exempts specified California students from paying non-resident tuition at the University of California (UC), California State University (CSU), and California Community Colleges (CCC), also known as the AB 540 non-resident tuition waiver, if the student meets 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) For a person without lawful immigration status, 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 do so. (Education Code § 68130.5 and § 68134)
- 2) Authorizes any student, including a person without lawful immigration status, or a person who is exempt from non-resident tuition as specified, to serve in any capacity in student government at the CSU or 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 University of California (UC) to comply. (EC § 66016.3)

- 3) Requires two students from the California State University (CSU), who have 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 § 66602).
- 4) Requires the governing board of each California Community College (CCC) district to include one or more non-voting students within the membership of the board, requires the selected students to be enrolled in a community college of the district for at least five semester units or equivalent, and requires the students to meet and maintain the minimum standards of scholarship for community college district. Existing law provides that the term of the student members is to be one year. (EC § 72023.5)
- 5) Provides 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. (Government Code § 1001)
- 6) Provides 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. (GC § 1020)
- 7) Authorizes a student who is under the age of 18 years to serve on the State Board of Education, Instructional Quality Commission, and on the governing board of a school district, as specified. (EC § 33000.5, § 33530, and § 35012)

ANALYSIS

This bill, an urgency measure, authorizes the following students to serve on any board or commission, as specified:

- 1) A student who attends a public *postsecondary* educational institution or independent institution of higher education and who is exempt from paying non-resident tuition, as specified.
- 2) A student who attends a public *secondary* school who is under the age of 18 years.
- 3) Includes an urgency clause in order to allow students who are currently ineligible, but would be made eligible by this bill in time for appointment, and students who

do not have lawful immigration status or qualify as being exempt from paying non-resident tuition to proceed in the appointment process.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Current law prohibits minors and undocumented students from serving on higher education student boards or commissions. Having appropriate standards statewide to give all students equal opportunity to participate in student boards would prevent discrimination against students. This legislation would lawfully allow minors and undocumented students to serve on student boards and be a part of their higher education community.”
- 2) ***Backstory.*** AB 2881 (Committee on Judiciary, Ch. 703, 2016) added “persons serving on boards or commissions created under the laws of the state or established under the State Constitution” to the definition of “civil executive officers” contained in the Government Code. A separate provision of the Government Code prohibits a person from holding a civil office if the person is not 18 year of age and a citizen of the state. The result is that students who are undocumented or who are under the age of 18 years are now ineligible to serve on boards or commissions (although the Education Code allows minors to serve on the State Board of Education, the Instructional Quality Commission, and school district governing boards, and allows students who are undocumented to serve in student governments at public postsecondary educational institutions).
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill has no fiscal impact.

SUPPORT

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

OPPOSITION

None received

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