



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
serving school and
college districts
throughout the state.*

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Carl D. Corbin

Attorneys
Ellie R. Austin
Monica D. Batanero
Nancy L. Klein
Damara L. Moore
Jennifer E. Nix
Steven P. Reiner
Mia N. Robertshaw
Loren W. Soukup
Erin E. Stagg
Frank Zotter, Jr.

Of Counsel
Robert J. Henry
Margaret M. Merchat

LEGAL UPDATE

November 2, 2017

To: Superintendents/Presidents/Chancellors, Member Community
College Districts

From: Ellie R. Austin *ERA*
Schools Legal Counsel

Subject: Legislative Updates Impacting Community College Districts
Memo No. 26-2017(CC)

This Legal Update provides a brief summary of recent legislative actions impacting community college districts.

I. AB 450: Immigration worksite enforcement actions

Assembly Bill (“AB”) 450 adds a number of workplace protections for undocumented immigrants from federal immigration enforcement actions. The new law applies to public and private employers. AB 450 adds sections 7285.1, 7285.2, and 7285.3 to the Government Code, and sections 90.2 and 1019.2 to the Labor Code.

New Government Code section 7285.1 prohibits an employer or anyone acting on behalf of the employer from providing voluntary consent to an immigration enforcement agent to enter nonpublic areas of a place of labor unless the agent presents a judicial warrant.

New Government Code section 7285.2 prohibits an employer or anyone acting on behalf of the employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain employee records without a subpoena or judicial warrant. The new law does not apply to I-9 Employment Eligibility Verification forms.

Employers may not re-verify the employment eligibility of a current employee except as permitted under federal law.¹

Employers are also required to provide notice to employees of any inspections of employment records by an immigration agency, within 72 hours of receiving

¹ Specifically, as permitted under 8 U.S.C. § 1324a(b).



notice of the inspection. On or before July 1, 2018, the Labor Commissioner will develop a template posting employers may use for these purposes.

II. AB 19: California College Promise

AB 19 establishes the California College Promise, a “free tuition” program for first-time students, which will be administered by the Chancellor’s Office. The program waives fees for one academic year for first-time students who are enrolled in 12 or more semester units or the equivalent. Students must submit either a Free Application for Federal Student Aid or a California Dream Act application. AB 19 adds sections 76396 *et seq.* to the Education Code.

More information on AB 19 can be found on the Chancellor’s Office website at <http://extranet.cccco.edu/Divisions/StudentServices/CaliforniaPromise.aspx>.

III. AB 1018: Student equity plans

AB 1018 adds homeless, lesbian, gay, bisexual, and transgender students to the categories of students who must be addressed in a district’s student equity plan. AB 1018 amends sections 78220 and 78221 of the Education Code.

More information regarding student equity plans can be found on the Chancellor’s Office website at <http://extranet.cccco.edu/Divisions/StudentServices/StudentEquity.aspx>.

IV. AB 705: Student Success Act of 2012: matriculation: assessment

AB 705 requires districts to maximize the chance that students will complete transfer-level coursework in English and math within a one year timeframe by using specific placement criteria, including high school coursework, high school grades, and high school grade point average. The bill also prohibits districts from requiring students to enroll in remedial English or math courses that would lengthen their time to complete a degree unless their high school performance demonstrates that the students are highly unlikely to succeed in non-remedial English and math courses. Districts may require students to enroll in additional concurrent support, including additional language support for ESL students, during the same semester that they enroll in transfer-level English or math courses, but only if the support will increase their likelihood of passing.

AB 705 amends section 78213 of the Education Code.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

© 2017 School and College Legal Services of California

All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client’s own non-commercial purposes.