

CALIFORNIA TEACHERS ASSOCIATION
STATE COUNCIL OF EDUCATION



RECOMMENDATION FOR POSITION ON LEGISLATION FORM

PRIME COMMITTEE MEETING DATE

SECONDARY COMMITTEE(S) if any

BILL AUTHOR PARTY DISTRICT

RECOMMENDED POSITION

DATE OF INTRODUCTION DATE OF LAST AMENDMENT

DESCRIPTION OF CONTENT AND INTENT OF BILL

Requires the California State University governing board and community college districts, independent higher educational institutions that qualify for purposes of the Cal Grant Program, and would request that the University of California regents, in compliance with federal law, to refrain from releasing information regarding students immigration status as well as other community members served by their campuses; requires all faculty and staff to immediately notify the campus chancellor or president if they have been advised that federal authorities may enter, or have entered the campus to execute a federal immigration order; requires all faculty and staff responding to or have had contact with law enforcement to refer that entity or individual to the campus chancellor or president's office; require districts to verify the legality of a warrant or subpoena prior to compliance; assign a staff person, or multiple people, as a point of contact for students, faculty and staff who may or could be subject to an immigration order; prohibits staff from discussing the immigration status of any student, faculty or staff, or revealing one's immigration status to anyone, except the student, faculty or staff in question; requires districts to solicit and maintain a contact list of known attorneys or legal services who provide pro bono immigration representation, and provide these services free of charge to any students that requests it; requires districts to provide guidance at the beginning of the academic quarter or semester by e-mail to faculty, staff and students informing them of their rights under state and federal immigration laws.

CTA POLICY SUPPORTING POSITION

Pg. 318, Immigration, second paragraph: "Regardless of the immigration status of students or their parents, every student has the right to a free public education free from harassment. Schools are a safe haven and that no police officer or any federal, state or local agency shall enter the school building and or school grounds for the purpose of interrogating, questioning, arresting or taking into custody a student and/or parent unless upon lawful request."

Pg. 312, Confidentiality of Student Records, first paragraph: "CTA believes rights to privacy and confidentiality must be guaranteed, including maintaining the confidentiality of student records."

Pg. 313, Due Process Rights, first paragraph, 1st and 2nd lines: "CTA believes civil order and obedience to the law must be ensured without abridgment of human and civil rights. Individuals, adult or juvenile, must be assured a speedy and fair judicial process with free legal counsel for those in need."

Pg. 314, Equal Education Access, first paragraph, 1st and 2nd sentences: "CTA believes every student attending a public school in California is entitled to equal access to all educational opportunities. This access shall not be denied because of gender discrimination, ethnicity, language, special needs, socio-economic or immigration status."

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Rationale A

Bill has been amended. Working with the author of bill to ensure sufficient legal protection for faculty.

Rationale B

Rationale C

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DESCRIPTION OF CONTENT AND INTENT OF BILL

Requires community colleges to maximize the likelihood that students will enter and complete transfer-level English and math courses within one year; In order to place students in English or math courses districts may use one or more of the following: high school coursework, high school grades and high school grade point averages; Allows the board of governors to create regulations regarding the use of measures, instruments, and placement models to ensure they meet the specified goals; Prohibits a community college district from requiring students to enroll in remedial coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework shows those students are unlikely to succeed; Authorizes a community college district to require students to enroll in additional concurrent support during the same semester that they take transfer-level English or math if it is determined that the support will increase their likelihood of passing those courses.

CTA POLICY SUPPORTING POSITION

Pg. 305, Matriculation and Remediation: Higher Education, first paragraph: "CTA believes in open access to postsecondary education in California, recognizing open access permits the entrance of some students who are not prepared to do college level work. Student skills should be diagnosed and students should be advised of their skills level and counseled to enroll in those courses where they have a reasonable chance of success."

Pg. 314, Equal Access: College Preparation, first paragraph: "CTA believes every student attending a public school in California is entitled to equal access to all educational opportunities. College preparation counseling shall be required at all middle school, junior and senior high schools. Exceptions must be made in cases where required subjects for college entrance were not available at the necessary level. Adequate and consistent funding for remedial, tutorial and support services must be provided to insure fulfillment of the necessary requirements."

Pg. 309, Student Support Services: Higher Education, first paragraph, 1st sentence: "CTA believes clear admission and graduation standards, careful student counseling, tutorial and other support services, active participation of students in their own learning, and a thoughtfully articulated curriculum can significantly help increase the number of students successfully completing their degrees."

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Rationale A

Bill has been amended. CTA is continuing to work with the author.

Rationale B

Rationale C

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RECOMMENDATION FOR POSITION ON LEGISLATION FORM

PRIME COMMITTEE Community College Association **MEETING DATE** 6/3/2017

SECONDARY COMMITTEE(S) if any

BILL AB 453 **AUTHOR** Limón **PARTY** D **DISTRICT** 37

RECOMMENDED POSITION No Position

DATE OF INTRODUCTION 2/13/2017 **DATE OF LAST AMENDMENT** 5/26/2017

DESCRIPTION OF CONTENT AND INTENT OF BILL

Requires the Trustees of the California State University and governing boards of participating community college districts, and requests the University of California, designate specified campuses meet certain requirements as a "hungry free campus" and requires each campus receive a funding incentive for doing so.

CTA POLICY SUPPORTING POSITION

Rationale A

Rationale B

Rationale C

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RECOMMENDATION FOR POSITION ON LEGISLATION FORM

PRIME COMMITTEE Community College Association **MEETING DATE** 6/3/2017

SECONDARY COMMITTEE(S) if any

BILL AB 1018 **AUTHOR** Reyes **PARTY** D **DISTRICT** 47

RECOMMENDED POSITION No Position

DATE OF INTRODUCTION 2/16/2017 **DATE OF LAST AMENDMENT** 3/21/2017

DESCRIPTION OF CONTENT AND INTENT OF BILL

Requires homeless students be added to one of the categories of students required to be addressed in student equity plans.

CTA POLICY SUPPORTING POSITION

Rationale A

Rationale B

Rationale C

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PRIME COMMITTEE MEETING DATE

SECONDARY COMMITTEE(S) if any

BILL AUTHOR PARTY DISTRICT

RECOMMENDED POSITION

DATE OF INTRODUCTION DATE OF LAST AMENDMENT

DESCRIPTION OF CONTENT AND INTENT OF BILL

Prohibits academic employees from being placed on involuntary administrative leave, including paid administrative leave without being provided a copy of the written complaint.

CTA POLICY SUPPORTING POSITION

Pg. 217, Burden of Proof in Dismissals, third paragraph: "As an essential element of due process of law, any party making charges against a bargaining unit member must be required to prove the substance of those charges by a preponderance of the evidence before any disciplinary action against the bargaining unit member, including dismissal, can be taken."

Pg. 224-225, Evaluation and Due Process, second paragraph, 1.B and 1.C: "These principles apply to all bargaining unit members, whether full-time or part-time, regardless of the age of their students. Their implementation should be bargained by the appropriate bargaining unit and should apply uniformly within the employing unit...Due Process protects:

- B. Bargaining unit members against disciplinary or dismissal proceedings without just cause.
- C. Bargaining unit members against disciplinary or dismissal proceedings for arbitrary, capricious, unsubstantial or unsubstantiated reasons."

Pg. 301, Faculty Rights in Student Grievances: Higher Education, first paragraph, 1st sentence: "CTA believes the procedures for processing student grievances must include as a minimum the following protections for faculty members: the right to make professional judgments; the right of the accused to an open hearing; the right to legal counsel; the right to disclosure and discovery of evidence..."

Rationale A

Community colleges place faculty on involuntary administrative leave without prior notification or information regarding the specific basis of the complaint they are investigating. Some faculty members never receive a copy of the specific complaint. This places the employee and their union representative at a disadvantage when answering investigative questions or in preparing a defense.

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Rationale B

Involuntary administrative leave is disruptive to all students in the course, as their instruction is affected by the involuntary absence of the instructor. The requirement for detailed, specific explanation of the complaint or allegation against faculty members should reduce frivolous and disruptive “fishing expedition” investigations.

Rationale C

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DESCRIPTION OF CONTENT AND INTENT OF BILL

Creates the Campus Free Speech Act requiring the governing board of the University of California, California State University and California Community Colleges to develop and adopt policies on free expression that supersede existing policies and regulations; authorizes the Attorney General and an individual who was denied their right to free speech to bring an action in court; requires reasonable court costs, attorney fees, and damages be available to the individual whose rights were determined to be violated; and restricts Cal Grant funds to any institution not in compliance with this provision.

CTA POLICY SUPPORTING POSITION

Pg. 206, Academic Freedom, first paragraph, section 1: "CTA believes academic freedom is fundamental and essential...Such freedom should be used judiciously and prudently so that it promotes learning, pupils' exercise of free thought, and critical thinking."

Pg. 292, School Safety: Responsibility for, first paragraph, 1st sentence: "CTA believes local educational agencies (LEAs) and state agencies must take all necessary steps to make schools safe for teachers, students and anyone authorized to be on campus."

Pg. 362, Discipline, Order, and Safety Required for Learning, first paragraph, 1st sentence: "CTA believes discipline, order, and safety are essential for an environment conducive for learning."

Pg. 302, Financial Aid: Higher Education, first paragraph, 1st and 2nd sentences: "CTA believes there should be adequate funding for student financial aid at the state and federal levels. No qualified student should be denied access to higher education programs for lack of funding."

Rationale A

This bill proposes changes in current law that would override the decision-making capability of higher education institutions who must balance concerns of campus safety with free speech.

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Rationale B

This proposal punishes students for institution decisions restricting free speech by making the college or university ineligible for Cal Grant programs (student financial aid). Religious higher education institutions are exempted if application of policies regarding free speech activities are not consistent with their religious tenets. Thus, only students attending public or non-religious institutions would be affected by this bill.

Rationale C

The bill requires the establishment of a Committee on Free Expression at each university or college. The 15-member Committee on Free Expression is on-going and is an unnecessary cost. Language in the bill allowing aggrieved persons injunctive relief and monetary damages may result in frivolous and costly litigation.

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DESCRIPTION OF CONTENT AND INTENT OF BILL

Changes existing violations limiting the use of electronic listening or recording devices in any classroom without the prior consent of the instructor by allowing a student to utilize a recording device if he or she believes recording activities in the classroom violate state or federal law or regulation, or applicable local agency policy and prohibits a community college district or campus from prohibiting or limiting the use of a recording in a disciplinary action against an instructor; and prohibits an administrator, professor, teacher or other faculty member from preventing a student from providing information to, testifying before any public body conducting an investigation, hearing or inquiring if the student has reasonable cause to believe that the information discloses a violation of law.

CTA POLICY SUPPORTING POSITION

Pg. 208, Recording Devices in Schools, first paragraph: "CTA believes the recording or electronic surveillance of any educator without that person's permission must be prohibited. Any subsequent use of a recording or information obtained by electronic surveillance must have the educator's permission."

Pgs. 292-293, School Safety: Responsibility for, fifth paragraph: "All LEAs should be allowed to adopt policies and regulations permitting the possession of electronic communication devices. These policies and regulations must ensure that the use and possession does not disrupt instructional time or other school programs."

Rationale A

This bill would eliminate instructor permission to record faculty or students in community college classrooms. Faculty could lose control over the distribution of their own proprietary instructional materials or lessons, especially when unauthorized recordings are shared online without permission. Recordings can be and have been easily edited to show faculty members in an unfavorable light.

Rationale B

Under this proposed legislation, faculty members can be held personally liable (up to \$10,000 for each violation) for alleged retaliation against a student sharing or disclosing recorded information. The bill does not define "retaliation," and this could lead to actions of faculty members such as assigning a poor grade as being construed as "retaliatory."

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Rationale C

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DESCRIPTION OF CONTENT AND INTENT OF BILL

Requires the Chancellor's Office of the California Community Colleges to ensure each campus has a dedicated on-campus Veteran Resource center to provide services to student veterans.

CTA POLICY SUPPORTING POSITION

Pg. 341, Advisement Programs: Counseling, first paragraph, 1st sentence: "CTA believes an effective advisement program must be site designed and controlled to address the social, emotional, physical, intellectual, psychological and ethical development of all students, and any immediate needs as they arise on a daily basis."

Pg. 362, Counseling and Guidance, first paragraph, 1st sentence: "CTA believes all schools in California should have strong, comprehensive counseling and guidance programs in the areas of personal, academic and career counseling."

Pg. 362, Counseling: Teenage Suicide, first paragraph, 1st and 3rd sentences: "CTA believes a student's life is precious and ending life by suicide is a tragedy for both the family and the school community...CTA urges support for increased licensed and accredited programs to deal with counseling and guidance and mental health care for all students, particularly those students suffering from increased mental and emotional stress."

Rationale A

Many veterans attending California Community Colleges need a variety of services, including mental health and academic counseling, career training, and referral and access to community services. Veteran students experience higher rates of post-traumatic stress and depression. The suicide rate for veterans is over double the civilian rate of suicide. A campus Veteran Resource Center would allow students to access needed mental health services at one location and would assist in the successful transition to civilian life.

Rationale B

California Community Colleges serve the clear majority (90 percent) of California veterans enrolled in higher education, and thus provide the ideal location for the establishment of Veteran assistance centers.

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Rationale C

This bill characterizes the provision of targeted services and the creation of campus Veteran Centers as a state-mandated local program and provides in the bill for reimbursement of those costs.