

AMENDED IN SENATE AUGUST 30, 2019

AMENDED IN SENATE JULY 11, 2019

AMENDED IN SENATE JUNE 26, 2019

AMENDED IN ASSEMBLY MARCH 25, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 302

**Introduced by Assembly Member Berman
(Coauthor: Assembly Member Gonzalez)**

January 29, 2019

An act to add and repeal Sections 76012 and 76012.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 302, as amended, Berman. Parking: homeless students.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and authorizes the governing board of a community college district to grant the use of college facilities or grounds for specified purposes. Existing law requires a community college campus that has shower facilities for student use to grant access, as specified, to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district, and requires the community college to determine a plan of action to implement this requirement.

This bill, until December 31, ~~2022~~, 2023, would require a community college campus that has parking facilities on campus to grant overnight access to those facilities, commencing on or before ~~April~~ July 1, ~~2020~~,

2021, to any homeless student who is enrolled in coursework, has paid any enrollment fees that have not been waived, and is in good standing with the community college, for the purpose of sleeping in the student's vehicle overnight. The bill would require the governing board of the community college district, commencing on or before ~~April~~ July 1, 2020, 2021, and with the participation of student representatives, to determine a plan of action to implement this requirement, as specified. The bill would require a community college district to develop a document that clearly and concisely describes the rules and procedures established pursuant to the bill's overnight parking requirements, provide the document to participating students, and make the document available at an overnight parking facility in paper form or post the document conspicuously on the internet website of the community college campus in which the facility is located. The bill would also grant a community college district immunity from civil liability for a district employee's good faith act or omission that fails to prevent an injury to a participating student that occurs in, or in close proximity to, and during the hours of operation of, overnight parking. The bill would limit this immunity by making the immunity inapplicable to gross negligence, intentional misconduct, or violations of other provisions of law.

On or before January 31, ~~2022~~, 2023, the bill would require the chancellor's office to submit to the Legislature and the Governor a report based on data and information pertaining to the overnight parking facilities requirements and other housing services offered to homeless students, concerning which the bill would require the governing boards to report to the chancellor on or before October 1, ~~2021~~, 2022. The bill's overnight parking facilities requirements would not apply to *a community college parking facility located within 250 feet of an elementary school. The bill's overnight parking facilities requirements would not apply to a community college campus providing one or more of 3 specified types of homeless student housing services.* On or before April 30, ~~2021~~, 2022, the bill would require the chancellor's office to submit to the Legislature and the Governor a report based on data and information pertaining to the provision of these specified housing services commencing on or before ~~April~~ July 1, 2020, 2021, and other housing services offered to homeless students, concerning which the bill would require community college campuses to report to the chancellor on or before January 1, ~~2021~~, 2022. By imposing additional duties on community college districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The state is experiencing a moral failure in that community
4 college students are being forced to live in their vehicles as a result
5 of the state's homelessness and housing crises.

6 (2) A recent report released by the Office of the Chancellor of
7 the California Community Colleges and the Hope Center for
8 College, Community, and Justice, which surveyed nearly 40,000
9 students at 57 community colleges, found that 19 percent of the
10 survey's respondents experienced homelessness in the previous
11 year.

12 (3) Short-term approaches to address the state's homelessness
13 and housing crises are not intended to supplant planning, financing,
14 and facilitating long-term solutions to preventing and ending
15 homelessness.

16 (b) It is the intent of the Legislature that until sufficient housing
17 is constructed to address the state's homelessness and housing
18 crises, safe parking programs should be considered as one of many
19 short-term approaches to creating a safe space for unsheltered
20 homeless persons, including homeless community college students.

21 SEC. 2. Section 76012 is added to the Education Code, to read:

22 76012. (a) If a community college campus has parking
23 facilities on campus, the governing board of the community college
24 district shall grant overnight access to those facilities to any
25 homeless student for the purpose of sleeping in the student's
26 vehicle overnight, provided that the student is enrolled in
27 coursework, has paid enrollment fees if not waived, and is in good

1 standing with the community college district without requiring the
2 student to enroll in additional courses.

3 (b) The governing board of the community college district shall,
4 with the participation of student representatives, determine a plan
5 of action to implement subdivision (a) that includes, but is not
6 limited to, all of the following:

7 (1) A definition of homeless student that is based on the
8 definition of homeless youth specified in the federal
9 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
10 11434a(2)), and reflects the age of the homeless student population
11 at the community college campus.

12 (2) Overnight parking facilities monitoring and a procedure for
13 reporting and responding to threats to the safety of a student
14 participating in overnight parking.

15 (3) An overnight parking form that must be completed by any
16 homeless student seeking to access the overnight parking facilities.
17 The community college district shall clearly and conspicuously
18 indicate on the form that the district cannot ensure the safety of a
19 student who participates in overnight parking.

20 (4) Designation of a specific parking area or areas for overnight
21 parking.

22 (5) Accessible bathroom facilities that are in reasonable
23 proximity to the parking area or areas designated pursuant to
24 paragraph (4).

25 (6) A waiver of parking assessment fees for the overnight
26 parking facilities.

27 (7) Overnight parking rules that a participating student shall
28 follow when using the overnight parking facilities, including a
29 zero tolerance policy for the use of drugs or alcohol.

30 (8) Hours of operation for the overnight parking facilities.

31 (9) A requirement that a participating student be enrolled in, at
32 minimum, six units per semester, or the quarterly equivalent, to
33 use the overnight parking facilities.

34 (10) A procedure for registering and verifying the identity of
35 an eligible student and the student's vehicle. This information shall
36 be used exclusively for the purpose of implementing overnight
37 parking, and shall not be disclosed for any other purpose, except
38 pursuant to a particularized court-issued warrant.

39 (11) A procedure for identifying a participating student who
40 has engaged in behavior that poses a substantial threat to the

1 physical safety of other participating students and, as necessary,
2 warning the student to correct the student's behavior or revoking
3 the student's eligibility to participate in overnight parking on a
4 temporary or permanent basis.

5 (c) Upon establishing a plan of action pursuant to subdivision
6 (b), the community college district shall develop a document that
7 clearly and concisely describes the rules and procedures established
8 pursuant to subdivision (b). This document shall be provided to
9 participating students. This document shall be available at the
10 overnight parking facility in paper form, or posted conspicuously
11 on the internet website of the community college campus in which
12 the facility is located.

13 (d) A community college district that implements overnight
14 parking that complies with the requirements of subdivisions (b)
15 and (c) is not civilly liable for a district employee's good faith act
16 or omission that fails to prevent an injury to a participating student
17 that occurs in, or in close proximity to, and during the hours of
18 operation of, overnight parking. This immunity does not apply to
19 gross negligence, intentional misconduct, or violations of other
20 provisions of law.

21 (e) It is the intent of the Legislature that homeless students who
22 use the overnight parking facilities shall be connected to available
23 state, county, community college district, and community-based
24 housing, food, and financial assistance resources.

25 (f) Commencing on or before ~~April~~ *July 1, 2020, 2021*, the
26 governing board of the community college district shall implement
27 subdivisions (a) and (b).

28 (g) (1) On or before October 1, ~~2021, 2022~~, the governing board
29 of the community college district shall report to the Office of the
30 Chancellor of the California Community Colleges on the use of
31 the overnight parking facilities by its homeless students, the number
32 of homeless students served by the overnight parking facilities,
33 the socioeconomic and demographic backgrounds of these students,
34 other housing services offered to its homeless students, challenges
35 and best practices in the operation of the overnight parking
36 facilities, and whether students who used the overnight parking
37 facilities remained enrolled or graduated from a campus maintained
38 by the district.

1 (2) The data and information reported pursuant to paragraph
2 (1) shall be disaggregated by campus if the district maintains
3 multiple campuses offering overnight parking facilities.

4 (h) On or before January 31, ~~2022~~, 2023, the chancellor's office
5 shall develop and submit to the Governor and the Legislature,
6 pursuant to Section 9795 of the Government Code, a systemwide
7 report based on the data and information reported by districts
8 pursuant to subdivision (g).

9 (i) The chancellor's office shall conduct a student homelessness
10 survey and shall release the results of the survey on or before April
11 1, ~~2022~~, 2023.

12 (j) This section shall not apply to a community college campus
13 described in Section 76012.5.

14 (k) This section shall remain in effect only until December 31,
15 ~~2022~~, 2023, and as of that date is repealed.

16 SEC. 3. Section 76012.5 is added to the Education Code, to
17 read:

18 76012.5. (a) (1) Section 76012 shall not apply to a community
19 college campus providing ~~all of~~ *at least one of* the following
20 services to its homeless students commencing on or before ~~April~~
21 *July 1, 2020*; 2021:

22 (A) Emergency grants that are necessary to secure, or prevent
23 the imminent loss of, housing.

24 (B) Hotel vouchers through a public agency or community
25 organization.

26 (C) Rapid rehousing referral services.

27 (2) A community college campus described in paragraph (1)
28 shall do all of the following:

29 (A) Send a stand-alone email to every student enrolled at the
30 campus at the beginning of each semester or quarter describing
31 available student housing services, and provide a description of
32 these services at every student orientation at the campus.

33 (B) Provide a housing assistance tab that is clearly visible and
34 easily accessible from a drop-down menu on the home page of the
35 campus's internet website.

36 (C) (i) On or before January 1, ~~2021~~, 2022, report to the Office
37 of the Chancellor of the California Community Colleges on the
38 implementation of the services described in paragraph (1). The
39 report shall include, but not be limited to, all of the following:

40 (I) The number of homeless students served by the services.

1 (II) The socioeconomic and demographic backgrounds of these
2 students.

3 (III) Challenges and best practices in the implementation of the
4 services.

5 (IV) Whether students who used the services remained enrolled
6 or graduated from a campus maintained by the district.

7 (V) Other housing services offered to the campus's homeless
8 students.

9 (ii) The data and information reported pursuant to subclauses
10 (I) to (IV), inclusive, of clause (i) shall be disaggregated by each
11 service specified in subparagraphs (A) to (C), inclusive, of
12 paragraph (1).

13 *(b) Section 76012 shall not apply to community college parking*
14 *facilities located within 250 feet of an elementary school.*

15 ~~(b)~~

16 *(c)* On or before April 30, ~~2021~~, 2022, the chancellor's office
17 shall develop and submit to the Governor and the Legislature,
18 pursuant to Section 9795 of the Government Code, a report based
19 on the data and information reported by colleges pursuant to
20 subparagraph (C) of paragraph (2) of subdivision (a).

21 ~~(e)~~

22 *(d)* This section shall remain in effect only until December 31,
23 ~~2022~~, 2023, and as of that date is repealed.

24 SEC. 4. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.