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, 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 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 1, 2020, 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, 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. 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, 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 1, 2020, 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, 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.


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

SECTION 1. (a) The Legislature finds and declares all of the following:
(1) The state is experiencing a moral failure in that community college students are being forced to live in their vehicles as a result of the state’s homelessness and housing crises.
(2) A recent report released by the Office of the Chancellor of the California Community Colleges and the Hope Center for College, Community, and Justice, which surveyed nearly 40,000 students at 57 community colleges, found that 19 percent of the survey’s respondents experienced homelessness in the previous year.
(3) Short-term approaches to address the state’s homelessness and housing crises are not intended to supplant planning, financing, and facilitating long-term solutions to preventing and ending homelessness.
(b) It is the intent of the Legislature that until sufficient housing is constructed to address the state’s homelessness and housing crises, safe parking programs should be considered as one of many short-term approaches to creating a safe space for unsheltered homeless persons, including homeless community college students.

SEC. 2. Section 76012 is added to the Education Code, to read:
76012. (a) If a community college campus has parking facilities on campus, the governing board of the community college district shall grant overnight access to those facilities to any homeless student for the purpose of sleeping in the student’s vehicle overnight, provided that the student is enrolled in coursework, has paid enrollment fees if not waived, and is in good
standing with the community college district without requiring the 
student to enroll in additional courses.
(b) The governing board of the community college district shall, 
with the participation of student representatives, determine a plan 
of action to implement subdivision (a) that includes, but is not 
limited to, all of the following:
(1) A definition of homeless student that is based on the 
definition of homeless youth specified in the federal 
McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 
11434a(2)), and reflects the age of the homeless student population 
at the community college campus.
(2) Overnight parking facilities monitoring and a procedure for 
reporting and responding to threats to the safety of a student 
participating in overnight parking.
(3) An overnight parking form that must be completed by any 
homeless student seeking to access the overnight parking facilities. 
The community college district shall clearly and conspicuously 
indicate on the form that the district cannot ensure the safety of a 
student who participates in overnight parking.
(4) Designation of a specific parking area or areas for overnight 
parking.
(5) Accessible bathroom facilities that are in reasonable 
proximity to the parking area or areas designated pursuant to 
paragraph (4).
(6) A waiver of parking assessment fees for the overnight 
parking facilities.
(7) Overnight parking rules that a participating student shall 
follow when using the overnight parking facilities, including a 
zero tolerance policy for the use of drugs or alcohol.
(8) Hours of operation for the overnight parking facilities.
(9) A requirement that a participating student be enrolled in, at 
minimum, six units per semester, or the quarterly equivalent, to 
use the overnight parking facilities.
(10) A procedure for registering and verifying the identity of 
an eligible student and the student’s vehicle. This information shall 
be used exclusively for the purpose of implementing overnight 
parking, and shall not be disclosed for any other purpose, except 
pursuant to a particularized court-issued warrant.
(11) A procedure for identifying a participating student who 
has engaged in behavior that poses a substantial threat to the
physical safety of other participating students and, as necessary, 
warning the student to correct the student’s behavior or revoking 
the student’s eligibility to participate in overnight parking on a 
temporary or permanent basis.

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

(d) A community college district that implements overnight 
parking that complies with the requirements of subdivisions (b) 
and (c) is not civilly liable 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. This immunity does not apply to 
gross negligence, intentional misconduct, or violations of other 
provisions of law.

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

(f) Commencing on or before April 1, 2020, the governing board of the community college district shall implement 
subdivisions (a) and (b).

(g) (1) On or before October 1, 2021, the governing board 
of the community college district shall report to the Office of the 
Chancellor of the California Community Colleges on the use of 
the overnight parking facilities by its homeless students, the number 
of homeless students served by the overnight parking facilities, 
the socioeconomic and demographic backgrounds of these students, 
other housing services offered to its homeless students, challenges 
and best practices in the operation of the overnight parking 
facilities, and whether students who used the overnight parking 
facilities remained enrolled or graduated from a campus maintained 
by the district.
(2) The data and information reported pursuant to paragraph (1) shall be disaggregated by campus if the district maintains multiple campuses offering overnight parking facilities.

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

(i) The chancellor’s office shall conduct a student homelessness survey and shall release the results of the survey on or before April 1, 2023.

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

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

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

76012.5. (a) (1) Section 76012 shall not apply to a community college campus providing all of at least one of the following services to its homeless students commencing on or before July 1, 2020:

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

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

(C) Rapid rehousing referral services.

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

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

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

(C) (i) On or before January 1, 2023, report to the Office of the Chancellor of the California Community Colleges on the implementation of the services described in paragraph (1). The report shall include, but not be limited to, all of the following:

(I) The number of homeless students served by the services.
(II) The socioeconomic and demographic backgrounds of these students.

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

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

(V) Other housing services offered to the campus’s homeless students.

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

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

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

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

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