

AGENDA

COMMITTEE ON GOVERNMENTAL RELATIONS

Meeting: 8:45 a.m., Wednesday, July 22, 2020
Virtually via Teleconference

Debra S. Farar, Chair
Maryana Khames, Vice Chair
Silas H. Abrego
Douglas Faigin
Jeffrey R. Krinsk
Jack McGrory
Romey Sabalius
Lateefah Simon

- Consent** 1. Approval of Minutes of the Meeting of May 12, 2020, *Action*
- Discussion** 2. State Legislative Update, *Information*
3. Federal Legislative Update, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE ON GOVERNMENTAL RELATIONS**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Auditorium*
401 Golden Shore
Long Beach, California**

May 12, 2020

Members Present

Silas H. Abrego, Chair
Juan F. Garcia, Vice Chair
Douglas Faigin
Debra S. Farar
Jean P. Firstenberg
Jeffrey R. Krinsk
Jack McGrory
Romey Sabalius
Adam Day, Chair of the Board
Timothy P. White, Chancellor

Trustee Abrego called the meeting to order.

Approval of Minutes

The minutes of March 24, 2020, were approved as submitted.

State Legislative Update

Mr. Garrett Ashley, vice chancellor for university relations and advancement, reported that with the statewide stay-at-home order issued by Governor Newsom in March, normal legislative activity ceased and legislative leaders announced a recess until May 4. While the CSU and nearly all of state government have observed stay-at-home directives, the Advocacy and State Relations team continued to review bills and engage capitol staff virtually. They have been communicating to state policymakers frequently about the impacts of the pandemic on the CSU and how the university is responding to the challenges.

Ms. Nichole Muñoz-Murillo, assistant vice chancellor for advocacy and state relations, provided an update on the current legislative environment and adjustments to budget advocacy efforts.

Trustee Abrego adjourned the meeting.

***PLEASE NOTE: Due to the Governor's proclamation of a State of Emergency resulting from the threat of COVID-19, and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 issued on March 12, 2020 and March 17, 2020, respectively, all members of the Board of Trustees may participate in meetings remotely, either by telephonic or video conference means. Out of consideration for the health, safety and well-being of the members of the public and the Chancellor's Office staff, the May 12, 2020 meeting of the CSU Board of Trustees was conducted entirely virtually via Zoom teleconference.**

COMMITTEE ON GOVERNMENTAL RELATIONS

State Legislative Update

Presentation By

Garrett P. Ashley
Vice Chancellor
University Relations and Advancement

Nichole Muñoz-Murillo
Assistant Vice Chancellor
Advocacy and State Relations

Summary

This report contains an update on those bills that have the greatest potential impact on the CSU. This report is organized as follows:

- Active Bills
 - Bills introduced in 2020
 - Bills introduced in 2019
- Bills No Longer Advancing

This report is accurate as of July 9, 2020.

Background

The Assembly and Senate were expected to reconvene from their summer recess on July 13. However, after at least two members and several staff tested positive for COVID-19, the Legislature postponed their return to July 27. When the Legislature returns, they will work at a rapid pace as they are scheduled to adjourn for final recess on August 31.

ACTIVE BILLS

Bills Introduced in 2020

AB 1930 (Medina) – Public Postsecondary Education: UC and CSU: Student Eligibility Policy

This bill requires the CSU and requests the UC to engage in a multi-step process when considering and/or changing the university's admissions requirements.

- **CSU Position:** Oppose
- **Status:** This bill is awaiting hearing in the Senate Education Committee.

AB 2114 (Rodriguez) – Higher Education Employer-Employee Relations Act: Procedures Relating to Employee Termination or Discipline

This bill requires a higher education employer to provide a procedure to challenge a termination of employment or disciplinary action for all medical and dental interns and residents.

- **CSU Position:** Tracking
- **Status:** This bill is awaiting hearing in the Senate Labor, Public Employment and Retirement Committee.

AB 2288 (Low) – Nursing Programs: State of Emergency

This bill waives, during a state of emergency, a number of provisions in existing law related to training nurses.

- **CSU Position:** Support
- **Status:** This bill is awaiting hearing in the Senate Business, Professions and Economic Development Committee.

AB 2578 (Irwin) – Public Postsecondary Education: CSU: Proficiency Level of Entering Students

This bill updates terminology in existing statute pertaining to student placement in general education courses and shifts the current annual reporting deadline from February 1 to April 1.

- **CSU Position:** Neutral
- **Status:** This bill is awaiting hearing in the Senate Education Committee.

AB 2972 (Limón) – Public Postsecondary Education: Undocumented Students

This bill requires each higher education segment to create a systemwide annual training program for administrators, faculty and staff pertaining to federal and state laws, programs and resources available to undocumented students.

- **CSU Position:** Support
- **Status:** This bill is awaiting hearing in the Senate Education Committee.

ACA 5 (Weber) – Government Preferences

This amendment to the State’s Constitution repeals the provision that prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting.

- **CSU Position:** Support
- **Status:** This bill has qualified for the November 2020 election.

Bills Introduced in 2019 (i.e. two-year bills)

SB 2 (Glazer) – Statewide Longitudinal Student Database

This bill, subject to an appropriation, establishes the Statewide Longitudinal Student Database to collect and store individual student P-20 and workforce data, and creates a review committee that includes the CSU and other education leaders to advise on its establishment and administration.

- **CSU Position:** Tracking
- **Status:** This bill is awaiting hearing in the Assembly Education Committee.

SB 3 (Allen) – Office of Higher Education Coordination, Accountability and Performance

This bill establishes the Office of Higher Education Coordination, Accountability and Performance for the purposes of statewide postsecondary education planning, oversight, data collection and coordination.

- **CSU Position:** Tracking
- **Status:** This bill is being held in the Assembly Appropriations Committee Suspense File.

SB 148 (Glazer) – Public Postsecondary Education: The California Promise: Student Success and On-time Completion Fund

This bill authorizes the trustees to provide specified grants to students who participate in the California Promise program subject to the provisions of funding for this purpose. The bill also requires the CSU to waive systemwide tuition fees for a participating student unable to complete their degree within 4 years, due to limited space or no course offerings.

- **CSU Position:** Neutral
- **Status:** This bill is being held in the Assembly Appropriations Committee Suspense File.

SB 461 (Roth) – Student Financial Aid: Cal Grants: Summer Term Students

This bill creates a Summer Cal Grant award for eligible students to take up to nine units of courses during the summer term.

- **CSU Position:** Support
- **Status:** This bill is awaiting hearing in the Assembly Higher Education Committee.

SB 493 (Jackson) – Education: Sex Equity

This bill requires colleges to have specified protections from sexual harassment in place for their students.

- **CSU Position:** Oppose Unless Amended
- **Status:** This bill is being held in the Assembly Appropriations Committee Suspense File.

SB 660 (Pan) – Postsecondary Education: Mental Health Counselors

This bill requires the CSU Board of Trustees and each community college district to adopt a goal of having a ratio of one mental health counselor per every 1,500 students. The bill also defines mental health counselor and contains reporting requirements.

- **CSU Position:** Oppose
- **Status:** This bill is being held in the Assembly Appropriations Committee Suspense File.

SB 776 (Skinner) – Peace Officers: Release of Records

This bill was recently gutted and amended to make every incident involving use of force subject to disclosure. Previously this bill pertained to background checks in college admissions.

- **CSU Position:** No longer tracking
- **Status:** This bill is awaiting hearing in the Assembly Public Safety Committee.

AB 313 (Frazier) – Road Maintenance and Rehabilitation Account: UC and CSU Reports

This bill requires the UC and the CSU to annually submit a report detailing expenditures for state funded transportation research to the legislature.

- **CSU Position:** Neutral
- **Status:** This bill is awaiting referral in the Senate.

AB 369 (Weber) – CSU: Support Staff Employees: Merit Salary Adjustments

This bill requires the CSU to use existing resources to provide a 5% annual step in salary to each support staff employee and incorporate said provision into any pertinent collective bargaining agreement entered into or renewed by the CSU, and sunsets these provisions in July 2030.

- **CSU Position:** Oppose
- **Status:** This bill is on the Senate Inactive File.

AB 930 (Gloria) – CSU: Executive Compensation: Campus Budget Quarterly Reporting

This bill prohibits the CSU Board of Trustees from considering an increase in executive compensation in a year when student tuition has increased.

- **CSU Position:** Oppose
- **Status:** This bill is being held in the Senate Appropriations Committee Suspense File.

AB 1155 (Rodriguez) – Postsecondary Education: Campus-Affiliated Sorority and Fraternity Transparency Act

This bill requires each higher education institution to annually collect information from each sorority and fraternity and to make the information available on the institution's website.

- **CSU Position:** Pending
- **Status:** This bill is awaiting hearing in the Senate Education Committee.

AB 1229 (Wicks) – End Foster Youth Student Hunger in California Act of 2019

This bill establishes the Transition Age Foster Youth Meal Plan Program, to be administered by the Student Aid Commission, to provide foster youth enrolled at a public postsecondary educational institution with a monetary award equal to the cost of campus-based fees and a campus meal plan.

- **CSU Position:** Tracking
- **Status:** This bill is being held in the Senate Appropriations Committee Suspense File.

AB 1314 (McCarty) – Law Enforcement Use of Force Settlements and Judgements: Reporting

The bill was recently gutted and amended to require municipalities to annually post on their websites specified information relating to use of force settlements and judgements. This bill previously pertained to financial aid reform.

- **CSU Position:** No longer tracking
- **Status:** This bill is awaiting hearing in the Senate Public Safety Committee.

AB 1460 (Weber) – CSU: Graduation Requirement: Ethnic Studies

This bill requires CSU undergraduate students to complete a 3-unit course in ethnic studies in order to graduate.

- **CSU Position:** Oppose
- **Status:** This bill is awaiting concurrence in the Assembly.

AB 1759 (Salas) – Institution of Higher Education: Liability for COVID-19 Related Injuries

This bill was recently gutted and amended to exempt public and independent institutions of higher education, and their officers, employees and governing bodies from monetary liability and damages for injury relating to COVID-19 infection. This bill previously pertained to health care workers.

- **CSU Position:** Pending
- **Status:** This bill is awaiting hearing in the Senate Judiciary Committee.

BILLS NO LONGER ADVANCING

SB 874 (Hill) – Public Postsecondary Education: Community Colleges: Statewide Baccalaureate Degree Pilot Program

This bill makes the community college baccalaureate degree pilot program permanent, removes the limit of 15 programs statewide, and expands community college requirements during the review consultation and approval process. It maintains the prohibition on duplication of programs and program curricula with the CSU and the UC.

- **CSU Position:** Pending

SB 1083 (Pan) – Postsecondary Education: Mental Health Counselors

This bill states legislative intent to require every CSU and CCC campus to maintain a ratio of one full-time mental health counselor with a valid license per 1,500 students enrolled.

- **CSU Position:** Pending

SB 1211 (Glazer) – Public Postsecondary Education: California Promise Program: CSU Students

This bill requires campuses participating in the California Promise pilot program, effective 2021-2022, to have at least 5% of each incoming class participate in the CA Promise program.

- **CSU Position:** Pending

SB 1444 (Durazo) – CSU: Food Service Contracts and Hotel Development Projects

This bill prohibits a CSU campus from entering into a contract for food services or with a hotel if the vendor does not have a labor peace agreement.

- **CSU Position:** Oppose

AB 1836 (Quirk-Silva) – Public Postsecondary Education: CSU: Reporting

This bill requires the CSU to annually report on specified parking and transportation-related information and discretionary account information.

- **CSU Position:** Pending

AB 1862 (Santiago) – Public Postsecondary Education: CSU: Tuition

This bill prohibits the CSU from charging mandatory systemwide tuition or fees for two academic years to any California Community College transfer student who has completed an Associate Degree for Transfer or received a fee waiver under the California College Promise while at the CCC.

- **CSU Position:** Oppose

AB 1970 (Jones-Sawyer) – Public Postsecondary Education: Pilot Program for Free Tuition and Fees: Working Group

This bill establishes a working group to consider the creation of a pilot program that would provide free postsecondary education in the state.

- **CSU Position:** Tracking

AB 2023 (Chiu) – Education Equity: Student Records: Name and Gender Changes

This bill requires public universities to update a former student's records to include the student's updated legal name or gender if the student provides government-issued documents, and requires institutions to offer an option for graduating students to request their diploma be issued with a student's chosen name.

- **CSU Position:** Neutral

AB 2175 (Gipson) – School Nurses: Credentialing

This bill authorizes the Commission on Teacher Credentialing to approve local education agencies (K-12) to offer school nurse credentialing programs.

- **CSU Position:** Oppose

AB 2176 (Holden) – Free Student Transit Passes: Eligibility for State Funding

This bill requires a transit agency that receives specified state funding to provide free service to CCC, CSU or UC students. The bill also prohibits public postsecondary institutions from charging a student for any free transit service.

- **CSU Position:** Support

AB 2495 (Choi) – Public Postsecondary Education: Undergraduate Tuition and Mandatory Systemwide Fees

This bill requires the CSU Board of Trustees, and requests the UC Board of Regents, to utilize a cohort tuition model by restricting tuition increases for at least six years for each incoming class.

- **CSU Position:** Pending

AB 2584 (Holden) – Student Athletes: Transfer

This bill forbids an institution of higher education from upholding any rule, requirement, standard or other limitation that prohibits a student athlete who transfers to that institution from participating in intercollegiate athletic competition immediately upon the student's transfer.

- **CSU Position:** Pending

AB 2776 (Lackey) – Community Colleges: Statewide Baccalaureate Degree Pilot Program

This bill grants permanent authority to the Antelope Valley Community College District to offer baccalaureate degree programs, including programs or curricula to meet local needs unmet by the CSU or UC baccalaureate programs that are regularly at enrollment capacity.

- **CSU Position:** Oppose

COMMITTEE ON GOVERNMENTAL RELATIONS

Federal Legislative Update

Presentation By

Garrett P. Ashley
Vice Chancellor
University Relations and Advancement

James M. Gelb
Assistant Vice Chancellor
Federal Relations

Summary

This item provides an update on significant developments related to the system's federal priorities during the first half of 2020, and, in particular, with regard to the novel coronavirus (COVID-19) pandemic, which has dominated federal policymaking since March.

COVID-19 Response

Since the onset of the pandemic, CSU advocates across the system have actively sought relief and support for students and institutions. Along with colleagues from California's public institutions of higher education and across the national higher education community, the CSU has focused especially on emergency funding to assist students, as well as for funding to help financially stabilize institutions. In addition, the system has advocated for regulatory flexibility related to student aid programs and compliance requirements, as well as for access to capital for non-profit organizations.

Several important relief measures were enacted this spring. The largest and most significant for students and universities was HR 748, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, a \$2.2 trillion measure that provided for payments to taxpayers, jobless benefits and substantial assistance for affected businesses. The legislation also included numerous provisions geared toward colleges and universities, resulting in approximately \$563 million in direct support to CSU students and campuses.

Emergency funding – The CARES Act provided roughly \$14 billion in emergency funding for institutions of higher education across the nation, most of which was distributed through the Department of Education under a formula weighted toward institutions with large numbers of Pell Grant recipients.

Pursuant to that formula, funds totaling over \$525 million were allocated across the 23 CSU campuses. Half of that, or roughly \$263 million, was designated for students as emergency grant aid. The other half is institutional aid that is available for a wide range of purposes.

- **Grants to students:** The CSU created a framework to ensure these funds were distributed as rapidly and equitably as possible. As of June 12, the campuses have distributed about 82% of these funds to hundreds of thousands of students. The balance of funds is largely being distributed through an application process for those students that didn't obviously qualify for an immediate grant, and it all should be distributed in the near future. Education Department guidance limited these CARES Act emergency grants to students who are eligible for Title IV aid. To ensure that all of our students – including DACA and international students – received relief, we complemented federal funds with CSU resources to form the CSU Cares Initiative to provide emergency grant funding for all CSU students with COVID-19-induced financial need.
- **Institutional Funds:** These funds may be used to cover expenses related to the disruption of campus operations due to COVID-19. Campuses continue to gather data and determine which holes they want to fill with their institutional allocations.

Funds for Minority-Serving Institutions – An additional \$1.05 billion in CARES Act funding was designated for Historically Black Colleges and Universities (HBCU) and minority-serving institutions, including Hispanic-Serving (HSI) and Asian American and Native American Pacific Islander Serving Institutions (AANAPISI). Twenty-two CSU campuses received an additional \$38 million through these provisions. These are flexible funds available for a wide range of uses. For the most part, campuses are still assessing the best uses of these resources.

Regulatory flexibility – The CARES Act provided significant regulatory flexibilities important to students and institutions, including, among others, flexibility to transfer funds from the Federal Work-Study (FWS) program to the Supplemental Educational Opportunity Grant (SEOG) program; use excess SEOG funds for emergency grant aid; disburse FWS dollars to students who are not working; provide institutions and students relief from return to Title IV (R2T4) requirements; prevent student withdrawal from courses due to an emergency from impacting future federal subsidized loan limits or Pell eligibility; relieve service requirements for TEACH grant recipients; and provide relief from Satisfactory Academic Progress (SAP) provisions.

Additional provisions of interest – The Act also included several research-related provisions as well as numerous provisions that are not directly aimed at higher education but have important implications for students, employees, families, institutions, auxiliaries and state governments. Items included cash payments of up to \$1,200 per adult (and \$500 per child) to low- and middle-income individuals; assistance to state and local governments in response to the crisis; tax provisions designed to enhance charitable giving by individuals and corporations; forgivable

loans for some non-profits; expanded unemployment benefits; and assistance with basic needs (such as \$15.8 billion in additional funding for the Supplemental Nutrition Assistance Program, plus-ups for other nutrition assistance programs and increased mental health resources).

Veterans – The CSU has also been a regular advocate on behalf of veterans during the pandemic, including on successful efforts to increase flexibility in GI Bill programs to maintain their benefits in programs transitioning to online platforms and housing allowances. The CSU is also advocating for increased flexibility and benefit protection for veteran students whose courses don't translate well to online modalities, such as hospital rotations for nursing students or residencies for teacher certification.

Advocacy for Additional Relief

While the \$14 billion in funding for higher education in the CARES Act was significant and appreciated, it was still well short of ongoing needs across the higher education community. Thus, the CSU has continued to advocate alongside others for injecting an additional \$46.6 billion (nationally) into the CARES Act program that provides funds directly to students and to institutions. CSU outreach helped garner 42 signatures from California House members on a letter to their leadership in support of this request.

In May, the House passed HR 6800, the HEROES Act. This \$3 trillion bill would provide relief for state and local governments, more relief for individuals, and a new hazard pay fund for essential workers. Funding to states would be subject to maintenance of effort requirements related to support for public higher education. It also provides about \$37 billion designated for institutions of higher education, including \$27 billion through state governors, directs \$1.7 billion in Education Department funds for minority-serving institutions, and allows DACA recipients and international students to receive emergency grants. A rough estimate is that the HEROES Act would provide over \$900 million to CSU students and campuses.

The Senate has been slower to act on additional COVID-19 relief, and its leadership appears inclined toward a different and more modest approach than the House's HEROES bill. As part of ongoing efforts on this front, the CSU successfully encouraged both of California's senators to sign onto a Dear Colleague Letter in support of an additional \$47 billion in higher education funding in an eventual Senate package.

Chancellor White was invited to testify on July 7 before the House Subcommittee on Higher Education and Workforce Investment at a hearing entitled *A Major Test: Examining the Impact of COVID-19 on the Future of Higher Education*. His testimony addressed the challenges faced by the CSU system and its students in the wake of the pandemic, including the disproportionate impact of the pandemic on low-income students and students of color; the ways in which the CSU is responding to and coping with the pandemic, including steps being taken to protect the

health and safety of students and staff and to ensure that students' basic needs are met; the impact of actions taken by Congress and the Department of Education in response to the pandemic; and the need for additional federal investments in state and local governments and institutions of higher education, particularly under-resourced institutions and institutions serving large shares of low-income students and students of color.

Supporting Dreamers

The CSU has continued to advocate for legislation to permanently protect and support Dreamers. Last year, the House passed CSU-supported HR 6, the American Dream and Promise Act of 2019, on largely partisan lines. The legislation provides for conditional permanent residency and an earned path to citizenship for Dreamers. The bill would also provide potential protection from deportation and a pathway to citizenship for certain beneficiaries of the Temporary Protected Status (TPS) program. However, despite ongoing efforts by the CSU and many others, to date the Senate and the White House have shown no interest in moving legislation related to Dreamers. In light of the recent Supreme Court ruling on the Deferred Action for Childhood Arrivals (DACA) cases, the CSU has joined a wide array of stakeholders in again asking the Congress to swiftly enact a thoughtful, just and permanent policy for issues related to Dreamers.