

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-2802-07/FGA
May 10-11, 2007

**In Support of SB 160 (Cedillo): The California Dream Act –
Student financial aid: eligibility**

RESOLVED: That the Academic Senate of The California State University (ASCSU) reaffirm its support for AB 540, which contained the Principle of exempting the payment of non-resident tuition by “person without lawful immigration status” (language contained in the bill) who have completed their secondary education in California; and be it further

RESOLVED: That the ASCSU Support SB 160 (Cedillo) that would extend the principle of AB 540 to exempt the payment of non resident tuitions for “person without lawful immigration status” (language contained in the bill) who have successfully completed technical or adult education degrees in California; and be it further

RESOLVED: That the ASCSU forward copies of this resolution to the chancellor, the Board of Trustees, the Speaker of the Assembly, the President pro Tem of the Senate, Senator Cedillo, and the Governor.

RATIONALE: SB 160 provides access to higher education for undocumented aliens who have demonstrated through their educational achievements their commitment to improving their lives and their communities. Increasing access to higher education for this segment of California’s population will strengthen their contributions to the quality of life and economic vitality of the state of California.

Approved Unanimously – May 10-11, 2007

AMENDED IN SENATE MAY 2, 2007

SENATE BILL

No. 160

Introduced by Senator Cedillo

*(Coauthors: Senators Calderon, Ducheny, Oropeza, Romero, Wiggins,
and Yee)*

(Coauthors: Assembly Members De Leon, Mendoza, and Parra)

January 30, 2007

An act to amend Section 68130.5 of, and to add Sections 66021.6, 69508.5, and 76300.5 to, the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 160, as amended, Cedillo. Student financial aid: eligibility: California Dream Act.

(1) Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would enact the California Dream Act. The bill would require that a person who has attended and graduated from secondary school, rather than high school, in California would be exempt from paying nonresident tuition at the California Community Colleges and the California State University. Under the bill, persons attending and

graduating from California technical schools and adult schools, as well as high schools, would be included within the scope of this provision.

(2) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

This bill would add to the Donahoe Higher Education Act a provision which would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under the provision described above, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student aid programs administered by these segments ~~to the full extent permitted by federal law.~~ *The bill would declare that this provision is a state law within the meaning of a federal statute requiring that a state may only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment of a state law affirmatively providing for that eligibility.* This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable.

This bill would also provide that persons meeting these requirements, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California ~~to the full extent permitted by federal law.~~ *The bill would declare that this provision is a state law within the meaning of a federal statute requiring that a state may only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment of a state law affirmatively providing for that eligibility.*

(3) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees

for, among others, students who are eligible under income standards established by the board of governors.

This bill would require community college districts to waive the fees of persons who are exempt from nonresident tuition under the provision described in (1) above, and who otherwise qualify for a waiver under this provision, under regulations and procedures adopted by the board of governors. Because the bill would impose new duties on community college districts with respect to determining eligibility for fee waivers, the bill would constitute a state-mandated local program.

(4) 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 these statutory provisions.

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. This act shall be known and may be cited as the
2 California Dream Act.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) It is the intent of the Legislature that all students who are
6 exempt from nonresident tuition pursuant to Section 68130.5 of
7 the Education Code and that are deemed to be in financial need
8 shall be eligible for all financial aid.

9 (2) Section 66021.6 of the Education Code, as added by Section
10 3 of this act, does not grant these pupils any advantage over the
11 student population as a whole in determining who qualifies for, or
12 receives, financial aid.

13 (3) Increased access to financial aid for all students in
14 California's universities and colleges increases the state's collective
15 productivity and economic growth.

16 (b) It is, therefore, the intent of the Legislature to address these
17 issues by enacting the California Dream Act.

18 SEC. 3. Section 66021.6 is added to the Education Code, to
19 read:

1 66021.6. Notwithstanding any other law, the Trustees of the
2 California State University and the Board of Governors of the
3 California Community Colleges shall, and the Regents of the
4 University of California are requested to, establish procedures and
5 forms that enable persons who are exempt from paying nonresident
6 tuition under Section 68130.5, or who meet equivalent requirements
7 adopted by the regents, to apply for, and participate in, all student
8 aid programs administered by these ~~segments to the full extent~~
9 ~~permitted by federal law segments.~~ *The Legislature finds and*
10 *declares that this section is a state law within the meaning of*
11 *subsection (d) of Section 1621 of Title 8 of the United States Code.*

12 SEC. 4. Section 68130.5 of the Education Code is amended to
13 read:

14 68130.5. Notwithstanding any other law:

15 (a) A student, other than a nonimmigrant alien within the
16 meaning of paragraph (15) of subsection (a) of Section 1101 of
17 Title 8 of the United States Code, who meets all of the following
18 requirements shall be exempt from paying nonresident tuition at
19 the California State University and the California Community
20 Colleges:

21 (1) Secondary school attendance in California for three or more
22 years.

23 (2) Graduation from a California secondary school or attainment
24 of the equivalent thereof.

25 (3) Registration as an entering student at, or current enrollment
26 at, an accredited institution of higher education in California not
27 earlier than the fall semester or quarter of the 2001–02 academic
28 year.

29 (4) In the case of a person without lawful immigration status,
30 the filing of an affidavit with the institution of higher education
31 stating that the student has filed an application to legalize his or
32 her immigration status, or will file an application as soon as he or
33 she is eligible to do so.

34 (b) A student exempt from nonresident tuition under this section
35 may be reported by a community college district as a full-time
36 equivalent student for apportionment purposes.

37 (c) The Board of Governors of the California Community
38 Colleges and the Trustees of the California State University shall
39 prescribe rules and regulations for the implementation of this
40 section.

1 (d) Student information obtained in the implementation of this
2 section is confidential.

3 SEC. 5. Section 69508.5 is added to the Education Code, to
4 read:

5 69508.5. Notwithstanding any other law, a person who meets
6 the requirements of subdivision (a) of Section 68130.5, or who
7 meets equivalent requirements adopted by the Regents of the
8 University of California, is eligible to apply for, and participate
9 in, any student financial aid program administered by the State of
10 California ~~to the full extent permitted by federal law~~ *California*.
11 *The Legislature finds and declares that this section is a state law*
12 *within the meaning of subsection (d) of Section 1621 of Title 8 of*
13 *the United States Code.*

14 SEC. 6. Section 76300.5 is added to the Education Code, to
15 read:

16 76300.5. A district shall waive the fees of a person who is
17 exempt from paying nonresident tuition under Section 68130.5,
18 and who otherwise qualifies for a waiver under Section 76300,
19 under regulations and procedures adopted by the board of
20 governors. The Legislature finds and declares that this section is
21 a state law within the meaning of subsection (d) of Section 1621
22 of Title 8 of the United States Code.

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