

Date of Hearing: April 22, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Mike Fong, Chair
AB 695 (Fong) – As Introduced February 14, 2025

SUBJECT: California Community Colleges Access and Continuity for Deported Students Act.

SUMMARY: Establishes the California Community Colleges (CCC) Access and Continuity for Deported Students Act. Specifically, **this bill:**

- 1) States and declares all of the following legislative findings:
 - a) Many California community college students face potential deportation, disrupting their educational goals and delaying their ability to contribute to the community and economy;
 - b) Online education offers a flexible, viable solution for students to continue their education in their country of origin;
 - c) Supporting continuity of education aligns with the state’s commitment to accessibility, equity, and economic mobility;
 - d) Educating former California undocumented students online in their country of origin offers several benefits for the state, balancing access to education with broader societal and economic advantages. Furthermore, this approach aligns with California’s commitment to education equity, innovation, and global leadership;
 - e) Some students may later return to the United States with legal immigration status, bringing valuable expertise and education to California’s workforce;
 - f) Educated alumni who remain connected to California institutions can foster international collaborations in business, research, and culture; and,
 - g) Helping these students succeed can contribute to global development, reducing economic disparities, and migration pressures.
- 2) Creates the CCC Access and Continuity for Deported Students Act; stipulating that notwithstanding any other law, a deported student must be exempt from paying nonresident tuition under this measure if the student meets all of the following requirements:
 - a) The student was enrolled in a CCC and not paying nonresident tuition at the time of deportation;
 - b) The student provides proof of deportation status; and,
 - c) The student reenrolls in an online education program offered by a CCC.

- 3) Stipulates that a deported student that meets specified requirements pursuant to (2)(a-c) inclusive above, must be exempt from nonresident tuition for the duration of the student's enrollment in an online education program.
- 4) Requires that a deported student must remain exempt from paying nonresident tuition until completion of an associate degree for transfer, associate of arts degree, or an equivalent certification.
- 5) Stipulates that a deported student who legally reenters the United States and resumes in-person education at a CCC shall be eligible for both of the following:
 - a) Retaining residency status for nonresident tuition and fee purposes, provided the student was previously classified as a resident and met the requirements, as specified pursuant to (2)(a-c) inclusive above, at the time of deportation; and,
 - b) Being exempt from nonresident tuition and eligible for financial aid upon reenrollment.
- 6) Requires the CCC Board of Governors (BOG), on or before July 1, 2026, to adopt regulations that do all of the following:
 - a) Establish procedures for verifying deportation status and eligibility;
 - b) Maintain confidentiality and privacy of immigration-related information;
 - c) Develop guidelines on how a CCC determines the course grade of a deported student if the student is deported after the beginning of a semester and after the final date to drop a course; and,
 - d) Establish a timeframe for deported students to apply to resume attendance.
- 7) Establishes, for purposes of the CCC Access and Continuity for Deported Students Act, the following definitions:
 - a) "Deported student" means a student who has been involuntarily removed from the United States due to immigration enforcement actions commencing in 2025 but was enrolled in a CCC at the time of deportation; and,
 - b) "Online education program" means a distance learning program offered by a CCC that allows students to complete coursework remotely.

EXISTING LAW:

- 1) Establishes the CCC, a postsecondary education system in this state, under the administration of the BOG; and, specifies that the CCC consist of community college districts (CCDs) (Education Code (EC) Section 70900).
- 2) Requires the CCC BOG to provide leadership and direction in the continuing development of the CCC as an integral and effective element in the structure of public higher education in the

state. The work of the BOG must at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC (EC Section 70901).

- 3) Establishes that CCDs are under the control of a board of trustees, known as the local governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Permits districts to establish policies for and the approval of courses of instruction and educational programs (EC Section 70902).
- 4) Exempts specified California nonresidents from paying nonresident tuition at the University of California (UC), the California State University (CSU), and the CCC, also known as the AB 540 nonresident tuition waiver, if they meet all of the following:
 - a) Attended or attained credits at a California high school, an adult school, a CCC campus, or a combination of these entities, for the equivalent of three or more years; or completed three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of such elementary and secondary schools;
 - b) Graduated from a California high school or attained an equivalent degree; attained a CCC associate degree; or fulfilled the minimum transfer requirements from a CCC campus to a UC or CSU campus;
 - c) Registered or attended an accredited California higher education institution beginning after fall of the 2001-02 academic year; and,
 - d) If a person without lawful immigration status has filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to so do (EC Section 68130.5).
- 5) Requires the CSU Trustees and the CCC BOG, and requests the UC Regents, to establish procedures and forms that enable AB 540 students to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law (EC Section 66021.6).
- 6) Establishes the California DREAM Act to provide state financial aid, including the Cal Grant Program and the CCC California College Promise Grant (formerly known as the BOG Fee Waiver), and institutional financial aid to students who qualify for the aforementioned exemption, as enumerated in (4)(a-d) inclusive, from non-resident tuition (EC Section 69508.5).

FISCAL EFFECT: Unknown

COMMENTS: *Need for the measure.* According to the author, “across the country, students are facing potential immigration enforcement actions that may force them to leave the United States involuntarily and abruptly. Deportation not only impacts these individuals, it impacts the

economic and social progress of the state. By enabling students to continue their education through a CA Community College online program, students will be able to maintain academic progress and be able to contribute to the state's economy if they are able to return to the United States with legal status.”

This measure, in part, establishes the California Community Colleges Access and Continuity for Deported Students Act, creating a process to enable deported CCC students to continue their education online after leaving the United States. Further, the measure requires the CCC Board of Governors to adopt regulations to establish procedures for verifying deportation status, guidelines on how a CCC determines the course grade of a deported student if the student was deported after the final date to drop a course, and the timeframe for a deported student to resume enrollment.

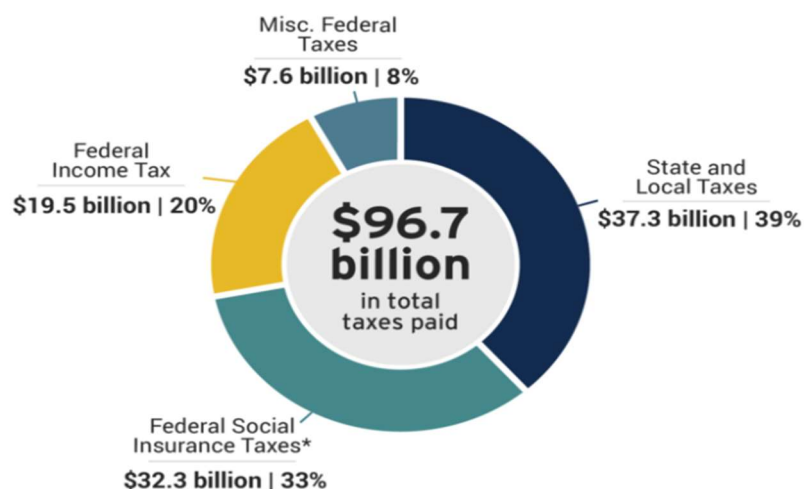
Background. According to the Institute on Taxation and Economic Policy (ITEP), July 30, 2024, report, entitled, *Tax Payments by Undocumented Immigrants*, immigration has always been an important part of the story of the United States. ITEP cites that debates over immigration policy raise a huge array of issues that are fundamental to life in the U.S. To shed light on just one of those issues, the report undertakes an examination to date of the federal, state, and local tax payments made by undocumented immigrants. ITEP's report arrives at nationwide estimates of the overall tax contributions of the estimated 10.9 million undocumented immigrants living in the U.S. as of 2022, as well as state-by-state estimates for those immigrants' payments of state and local taxes. The report also forecasts the growth in tax contributions that would occur under a scenario in which these taxpayers were granted work authorization.

The report found that six states raised more than \$1 billion each in tax revenue from undocumented immigrants living within their borders. Those states are California (\$8.5 billion), Texas (\$4.9 billion), New York (\$3.1 billion), Florida (\$1.8 billion), Illinois (\$1.5 billion), and New Jersey (\$1.3 billion).

Figure one below shows the tax contributions by undocumented immigrants in 2022.

FIGURE 1

Tax Contributions by Undocumented Immigrants in 2022



*Includes both employer and employee shares of levies that fund Social Security and Medicare, plus the federal portion of Unemployment Insurance (UI) taxes. As seen in Figure 2 of this report, adding state UI taxes to this category reveals the total social insurance tax contribution to be \$33.9 billion, or nearly 35 percent of total taxes paid. Source: Institute on Taxation and Economic Policy

Institute on Taxation and Economic Policy | ITEP.org

Committee comments. This measure seeks to provide a mechanism whereby CCC students who have been deported will have access and continuity of their education. Committee Staff understands that as of the time of the publication of this analysis, many students at the CCC, CSU, and UC have had their visas revoked.

Moving forward, the author may wish to examine if it is prudent to include students of the CSU and UC into the provisions of this measure.

As currently drafted this measure tasks the CCC BOG, on or before July 1, 2026, to adopt regulations that ensure consistent implementation of this measure. However, it is presently unclear if the BOG is the most appropriate entity to establish the procedures and guidelines as delineated.

Moving forward the author may wish to determine what entity will be best suited to implement the aforementioned provision of this measure.

Arguments in support. According to the Los Angeles Community College District (LACCD), sponsors of this measure, “this act is of significant importance as it creates a process to enable deported California Community Colleges (“CCC”) students to continue their education online after leaving the United States, demonstrating our commitment to their education and well-being.”

The LACCD contends that, “in California, undocumented immigrants play a vital role in our economy, contributing substantially to key industries such as agriculture, construction, hospitality, and healthcare. Despite their lack of legal status, they contribute billions to state and local taxes each year. In 2022, a study by the Institute on Taxation and Economic Policy (ITEP)

estimated that undocumented immigrants paid approximately \$8.5 billion in state and local taxes, including sales, property, and income taxes. Their labor not only supports economic growth and sustains essential industries but also helps fill workforce shortages, making them an integral and essential part of the state's economic engine.”

Further, LACCD states that, “AB 695 is a testament to our unwavering commitment to the well-being of CCC students who are involuntarily removed from the United States. It establishes a supportive process that ensures they can continue their education, no matter where they are.”

Related legislation. SB 307 (Cervantes), which is pending a hearing in the Senate Committee on Education, in part, requires the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to implement additional precautionary measures if an undocumented student is subject to a federal immigration order, including, among others, requiring adoption of systemwide policy addressing course grades, administrative withdrawal, and reenrollment for undocumented students who are detained, deported, or unable to attend courses due to the actions of immigration authorities in relation to a federal immigration order, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Bilingual Education (CABE)
California Faculty Association
California Federation of Teachers (CFT) , AFT, AFL-CIO
California School Employees Association
California Teachers Association
California Undocumented Higher Education Coalition
Cerritos College
Citrus College
Coast Community College District
Compton Community College District
Contra Costa Community College District
Faculty Association of California Community Colleges
Immigrants Rising
Kern Community College District
Los Angeles City College (LACC)
Los Angeles Community College District (Sponsor)
Los Angeles Pierce College
Mt. San Antonio College
North Orange County Community College District
Riverside Community College District
San Diego Community College District
San Jose-Evergreen Community College District
Santa Monica Community College District
Santiago Canyon College, Orange, CA
Southwestern Community College District

State Center Community College District
The Education Trust - West
University of California
Victor Valley Community College District

Opposition

None on file.

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