

Date of Hearing: June 24, 2025

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 307 (Cervantes) – As Amended April 10, 2025

[Note: This bill is double referred to the Assembly Committee on Judiciary and will be heard by that Committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 30-3

SUBJECT: Public postsecondary education: immigration enforcement.

SUMMARY: Requires the Trustees of the California State University (CSU), and requests the Regents of the University of California (UC), to take a number of actions and adopt a systemwide policy aimed at maintaining the enrollment, financial aid, and academic resources of an undocumented student who is subject to a federal immigration order. Specifically, **this bill:**

- 1) Requires the CSU Trustees, and requests the UC Regents, to do the following in the event that an undocumented student is subject to a federal immigration order:
 - a) Ensure that staff and the designated Dreamer Resource Liaison at the institution assist undocumented students in accessing all financial aid and academic resources available to undocumented students; and,
 - b) Ensure that an undocumented student's detention, deportation, or inability to satisfy the student's academic requirements at the institution due to the actions of immigration authorities in relation to an immigration order do not affect the student's qualification for the existing exemption from paying non-resident tuition as provided for in law as long as the student still meets the requirements for non-resident tuition.
- 2) Requires the CSU Trustees, and requests the UC Regents, to adopt a systemwide policy addressing course grades, administrative withdrawal, and re-enrollment for undocumented students who are unable to attend their courses by the final drop date due to the student's detention, deportation, or inability to attend courses due to the actions of immigration authorities on an immigration order. Specifies that this policy must include a timeframe during which a student withdrawn for non-attendance is re-enrolled and retains the same academic status that they held before their withdrawal, upon submitting written confirmation of their intent to return.
- 3) Defines, for the purposes of its provisions, "institution" to mean a campus of the CSU or UC.

EXISTING LAW:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC, and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of

property, and the purchase of materials, goods and services (California Constitution, Article IX, Section (9)(a)).

- 2) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system (Education Code (EC) Sections 66606 and 89030, et seq.).
- 3) Requires the Trustees of the CSU, the governing boards of community college districts, and independent institutions of higher education that are qualifying institutions for purposes of the Cal Grant Program, and requests the Regents of the UC, to the fullest extent consistent with state and federal law, to implement various precautionary measures when federal immigration enforcement activities are undertaken on campuses of those segments, as specified, including, among others, that those postsecondary entities advise all students, faculty, and staff to notify the office of the chancellor or president, or their designee, as soon as possible, if they are advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order (EC Section 66093.3, et seq.).
- 4) Requires in the event that an undocumented student is subject to a federal immigration order, that both of the following occur:
 - a) In the event that an undocumented student is detained, deported, or is unable to attend to their academic requirements due to the actions of an immigration officer in relation to a federal immigration order, the college or university is to make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits they have been awarded or received, and permit the student to be reenrolled if and when the student is able to return to the college or university. It is the intent of the Legislature that, in implementing this paragraph, California colleges and universities make reasonable and good-faith efforts to provide for a seamless transition in a student's reenrollment and reacquisition of campus services and supports; and,
 - b) That staff is available to assist, in a sensitive manner, undocumented students and other students, faculty, and staff who may be subject to a federal immigration order or inquiry or who may face similar issues and whose education or employment is at risk because of federal immigration actions (EC Section 66093.3 (j)).
- 5) Requires the California Community Colleges (CCC) and the CSU, and requests the UC, to designate a Dreamer Resource Liaison who is knowledgeable in available financial aid and other support services and academic opportunities for all students meeting the requirements for the exemption from paying nonresident tuition established by AB 540 (Firebaugh, Chapter 814, Statutes of 2001), including undocumented students (EC Section 66021.8.).
- 6) Exempts specified California nonresidents from paying nonresident tuition at UC, CSU, and CCC, also known as the AB 540 nonresident tuition waiver, if they graduated from a California high school and either: 1) attended a California high school for three years; or, 2)

earned the equivalent of three years of high school credit at a California high school and attended three years at some combination of California elementary or secondary schools are exempt from paying nonresident tuition. Students may also qualify if they meet a combination of specified time and coursework requirements and degree or unit requirements at a community college or adult school (EC Section 68130.5).

FISCAL EFFECT: According to the Senate Committee on Appropriations, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS: *Need for the measure.* According to the author, “in California, a significant number of undocumented college students face formidable obstacles due to their ineligibility for DACA [Deferred Action for Childhood Arrivals], creating a complex web of challenges for both the students themselves and the institutions they attend. These challenges encompass not only employment and access to financial aid but also the constant threat of deportation, which looms over their educational aspirations.”

The author states that, “SB 307 seeks to empower our universities to implement comprehensive support systems for undocumented students, ensuring they receive not only legal assistance but also proactive measures that prioritize their educational journey. This legislation encourages institutions to develop tailored strategies and policies that facilitate the continuation of higher education for these students, safeguarding against potential disruptions. In an environment where the current federal administration has committed to mass deportations, undocumented students face an urgent threat to their stability and safety.”

Lastly, the author contends that, “while all undocumented individuals are at risk, those without DACA face an even greater vulnerability. Therefore, it is imperative that we take definitive and preemptive actions to shield undocumented students from the fluctuating immigration policies that may jeopardize their academic pursuits and the relentless efforts they have invested in their education. By fostering a supportive and secure educational environment, we can help ensure that these students can thrive and achieve their dreams despite the challenges they encounter.”

Undocumented Students and Deferred Action for Childhood Arrivals (DACA). There are an estimated 408,000 undocumented students enrolled in colleges and universities across the United States.¹ 182,000 of these students are students with DACA or who are eligible for DACA.

The DACA process is a federal process that, since 2012, defers removal action of an individual for a specified number of years; and it allows eligible individuals to have work authorization.

In California alone, there are an estimated 87,000 undocumented university students.² Many of California’s undocumented students have DACA, though the numbers of DACA recipients in California’s postsecondary institutions of higher learning have been decreasing in recent years, as the time-based requirements for DACA mean that fewer and fewer incoming undocumented

¹ American Immigration Council and Presidents’ Alliance on Higher Education and Immigration, “Undocumented Students in U.S. Higher Education” (Jun. 2024).

² *Ibid.*

college students are eligible for DACA, and ongoing lawsuits around DACA have prevented the federal government from approving new applications since July 16, 2021.

With the lawsuits against DACA continuing to progress amid an administration that appears non-supportive to the program, the future of DACA remains uncertain. In the event that DACA ends, DACA recipients will lose their protections from deportation and once again, be at risk of deportation like all undocumented individuals. Furthermore, on January 17, 2025, the Fifth Circuit Court of Appeals issued a decision to *Texas v. United States*, No. 23-40653 finding major parts of the DACA rule as unlawful.

The court also limited the impact of its ruling by indicating that current DACA recipients across the U.S. can still renew their DACA while the case continues to make its way through the courts. The court limited its decision to the State of Texas, and sent the case back to the district court with an instruction to sever the forbearance from the deportation provision from the work authorization. That is to say, no more work permits would be granted, only protection from deportation. The mandate effectuating this ruling was issued on March 11, 2025, and defendants, defendant-intervenors, and plaintiffs had time to request a review by the U.S. Supreme Court (SCOTUS).

At the time of this analysis, there is no legal limitation on the processing of pending or first-time DACA requests in all 50 states, including Texas. The deadline for requesting review by SCOTUS was May 19, 2025; none of the parties filed a request. The case has now moved to the implementation phase and the Fifth Circuit Court of Appeals Judge will determine how best to implement the appeals court's decision that would result in Texas DACA recipients no longer receiving work authorization. According to the Mexican American Legal Defense and Education Fund (MALDEF), the process is expected to take some time, and, for now, all current DACA recipients, including in Texas, receive, including on renewal, full DACA protection and work authorization.

According the author, "it is estimated that around 17,000 individuals in California are excluded from DACA because of decisions made during the Trump administration and various court rulings. Furthermore, nearly 100,000 Californians are ineligible for other reasons, adding to the complexity of their situation. With approximately 83,000 undocumented college students, California is home to the largest population of its kind in the United States. This demographic represents a vibrant and diverse cohort of young individuals eager to pursue their dreams yet hindered by their status."

California's efforts to support DACA and undocumented students. Over the past two decades, the Legislature has made, and continues to make, a commitment to ensuring DACA and undocumented students' have the ability to earn a college degree and feel safe on campus. Various laws in recent years have been passed and enacted aimed at protecting the State's undocumented and non-citizen students including those that minimize the disruption that immigration enforcement activities can have at the State's educational institutions.

In 2017, the Legislature passed the California Values Act (SB 54, De León, Chapter 495, Statutes of 2017). SB 54 limited local law enforcement agencies' sharing of inmate information with federal immigration agencies, and prohibited law enforcement agencies from using their

resources for immigration enforcement or from cooperating in immigration enforcement activities. In addition, SB 54 required the Attorney General to publish various model policies regarding local entities' involvement or cooperation with immigration enforcement. These model policies included policies for limiting assistance with immigration enforcement at public schools, public libraries, health care facilities, courthouses, various state agencies, and universities, which public schools, health care facilities operated by the state, and courthouses were required to implement.

The Attorney General issued its guidance and model policies in 2018, which were updated in December 2024. The model policies for colleges and universities include that colleges and universities must provide students and their families with an annual notice of the institution's policies for privacy of students' personal information, including information regarding their immigration status, and that colleges and universities must advise all students, faculty, and staff to immediately notify the office of the campus chancellor or president, or their designee, when they are advised that an immigration officer is planning to, will, or has entered the campus for immigration enforcement purposes.³

Further, the model policies require that, if there is reason to suspect that a student, faculty member, or staff member has been taken into custody for immigration enforcement, the college or university must notify the person's emergency contact that the person may have been taken into custody. SB 54 encouraged, but did not require, that the UC, CSU, and CCC implement these model policies.

Additionally, the Legislature also passed AB 21 (Kalra), Chapter 488, Statutes of 2017, which requires public higher educational institutions and each Cal Grant eligible institution of higher education to adopt the Attorney General's model policies for colleges and universities. AB 21 also placed a variety of additional requirements on the CSU, CCC, and independent higher education institutions, and requested that the UC comply with such requirements.

These requirements included that they: 1) refrain from disclosing the personal information of students, faculty, and staff; require campus leadership to verify immigration enforcement requests on campus and the officer's authority to engage in such activity; 2) provide immigration legal assistance information and resources available to students upon request; and, 3) guarantee that students impacted by immigration enforcement do not lose eligibility for enrollment and other benefits. AB 21 required universities to make all reasonable efforts to assist a student subject to an immigration order to retain their eligibility for financial aid, fellowship stipends, exemption from non-resident tuition, housing stipends or services, and other funding or benefits they received.

Existing law requires the CSU and UC to designate a Dreamer Resource Liaison who is knowledgeable in available financial aid resources, legal services, and academic opportunities to assist students, including undocumented students, and mandates that the CSU and UC provide assistance to undocumented students facing detention, deportation, or inability to fulfill academic

³ California Attorney General, Promoting a Safe and Secure Campus for All: Guidance and Model Policies to Assist California's Colleges and Universities in Responding to Immigration Issues, California Department of Justice (December 2024).

requirements as a result of immigration actions. Institutions must make reasonable efforts to help these students retain their benefits and allow them to re-enroll when they return.

This measure requires the CSU Trustees and requests UC Regents to *make sure* that the Dreamer Resource Liaison position offers similar services. This measure explicitly prohibits immigration actions from affecting a student's nonresident tuition exemption rather than making a reasonable effort to maintain that benefit. Further, this measure calls on CSU and UC to adopt a systemwide policy to address course grades, withdrawal, and reenrollment for undocumented students who are impacted by immigration enforcement activity.

Committee comments and amendments. As currently drafted, Committee Staff notes that some of the terminology used, and the overall structure of the provisions of this measure, could pose a challenge for interpretation and implementation. *As such, the following amendments were suggested, and accepted by the author:*

66093.2 (b) ~~In the event that an undocumented student is subject to a federal immigration order, the~~ **The** Trustees of the California State University shall, and the Regents of the University of California are requested to, in addition to complying with subdivision (j) of Section 66093.3, do both **all** of the following:

(1) ~~Ensure that both of the following occur:~~ **In the event that an undocumented student is subject to immigration enforcement activity, ensure that the undocumented student's inability to satisfy the student's academic requirements at the institution due to immigration enforcement activity does not affect the student's qualification for the exemption from paying nonresident tuition pursuant to Section 68130.5, provided the student meets the requirements described in paragraphs (1) and (2) of subdivision (a) of Section 68130.5.**

~~(A) (2) Ensure~~ That **that** staff and the designated Dreamer Resource Liaison at the institution assist undocumented students in accessing all financial aid and academic resources available to undocumented students.

~~(B) That the undocumented student's detainment, deportation, or inability to satisfy the student's academic requirements at the institution due to the actions of immigration authorities in relation to a federal immigration order does not affect the student's qualification for the exemption from paying nonresident tuition pursuant to Section 68130.5, provided the student meets the requirements described in paragraphs (1) and (2) of subdivision (a) of Section 68130.5.~~

(2) **(3)** Adopt a systemwide policy addressing course grades, administrative withdrawal, and reenrollment for undocumented students who are unable to attend their courses by the final drop date due to **immigration enforcement activity** ~~the students' detainment, deportation, or inability to attend their courses due to the actions of immigration authorities in relation to a federal immigration order.~~ **immigration enforcement activity.** The systemwide policy shall include a timeframe during which a student withdrawn for nonattendance is reenrolled and retains the same academic status they held before their withdrawal, upon submitting written confirmation of their intent to return to the institution.

Arguments in support. According to the California Undocumented Higher Education Coalition (CUHEC), “the detainment or deportation of students themselves or family members can have a significant impact on student academic progress. If a student is deported themselves, for example, a student would be unable to attend their academic courses, and as such, experience a change in their academic standing and, subsequently, financial aid eligibility, especially as it pertains to maintaining eligibility for in-state tuition.”

Further, CUHEC states that, “SB 307 addresses these concerns by strengthening system policies at the CSU and the UC to ensure that undocumented students within these systems can maintain both academic progress and financial aid access, regardless of actions undertaken by immigration authorities on these students. In light of mounting pressures and anti-immigrant sentiment from the federal government, this bill gives California the opportunity to reaffirm its support for and solidarity with undocumented students.”

Related legislation. SB 98 (Pérez), which is currently awaiting a hearing by the Assembly Committee on Education, in part, requires the governing boards of local educational agencies, the CSU, each CCC district, and each Cal Grant qualifying independent institution of higher education and requests the UC Regents, to issue a notification to specified individuals when the presence of immigration enforcement is confirmed on their respective campuses or schoolsites.

AB 695 (Fong), which is currently awaiting a hearing by the Senate Committee on Education, establishes the CCC Access and Continuity of Deported Students Act, which, in part, stipulates 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 specified requirements; and, requires the CCC Board of Governors, on or before July 1, 2026, to adopt regulations, as specified.

Prior legislation. SB 54 (De León), Chapter 495, Statutes of 2017, prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to exception, and required the issuance and adoption by various entities of model policies limiting assistance with immigration enforcement and limiting the availability of information for immigration enforcement.

AB 699 (O'Donnell), Chapter 493, Statutes of 2017, included immigration status in the list of specified characteristics for which law states it is the policy of the State of California to provide equal rights and opportunities in the state's educational institutions, and prohibited school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding the citizenship or immigration status of pupils or their family members. Required specified school officials to take certain actions in response to requests for information or access to a schoolsite by an immigration officer for the purposes of immigration enforcement, required the Attorney General to publish, by April 1, 2018, model policies limiting assistance with immigration enforcement at public schools, and required all local educational agencies to adopt these model policies or equivalent policies.

AB 21 (Kalra), Chapter 488, Statutes of 2017, required the CSU Trustees, the governing boards of community college districts, and independent institutions of higher education, and requested the UC Regents, to take certain actions regarding immigration enforcement activities on campus, including: refraining from disclosing personal information concerning students, faculty, and staff except under specified circumstances; advising all students, faculty, and staff to notify the office

of the chancellor or president as soon as possible if they are advised that an immigration officer will or has entered campus to execute an immigration order; complying with a request from an immigration officer for access to a non-public area of campus only upon the presentation of a judicial warrant; and designating a staff person to serve as a point of contact for those who may be subject to immigration actions, among other requirements. Required such institutions of higher education to adopt and implement the model policy limiting assistance with immigration enforcement developed by the Attorney General, or an equivalent.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Charter Schools Association

California Faculty Association

California State Council of Service Employees International Union

California Undocumented Higher Education Coalition

CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO

SEIU California

Opposition

None on file.

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