

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2374 (Fong) – As Amended April 13, 2026

**SUBJECT:** Postsecondary education: Designation of California Asian American- and Native Hawaiian Pacific Islander-Serving Institutions

**SUMMARY:** Establishes criteria and procedures for a postsecondary education institution in California to receive a designation as a “California Asian American – and Native Hawaiian Pacific Islander – Serving Institution”. Specifically, **this bill:**

- 1) Creates a California Asian American – and Native Hawaiian Pacific Islander (AANHPI) – Serving Institution Designation (AANHPI designation) to recognize colleges and universities that excel at providing academic resources to AANHPI students.
- 2) Defines the following:
  - a) “Applicant” as an eligible college or university that applies for the AANHPI designation;
  - b) “College or university” as an independent institution of higher education; or a campus of the University of California (UC), California State University (CSU), or the California Community Colleges (CCC);
  - c) “Governing board” as the board established to oversee the granting of the AANHPI designation to qualifying colleges or universities.
  - d) “Normal time” as the time it would take for a full-time student to complete the requirement for a degree or certificate offered by a college or university; and,
  - e) “Recipient” as a college or university that receives the AANHPI designation.
- 3) Requires the governing board to assign the AANHPI designation to a qualifying applicant, if 2/3 of the board approves for the applicant to receive the AANHPI designation. If approved by the governing board, the initial AANHPI designation is valid for five years; at which point, a recipient of the AANHPI designation may seek a renewal of the AANHPI designation. A renewal of the AANHPI designation, as approved by the board, will be valid for five years.
- 4) Requires a qualifying applicant to do the following:
  - a) Submit an initial or renewal application to the managing entity on or before the application deadline, as determined by the managing entity; and,
  - b) Post the initial and/or renewal application, as provided to the managing entity, on the application’s website.
- 5) Requires the initial application to include the following elements:

- a) A commitment, certified in writing, by the chief administrative officer of the applying college or university to address AANHPI student success in a manner that is consistent with the applicant's mission;
- b) Academic goals the applicant intends to achieve within a five-year period from the initial application. The goals will pertain to retention, time-to-degree, or time-to-certificate completion, and graduation rates of AANHPI students. The goals will be based on data submitted by the applicant;
- c) Academic equity goals the applicant intends to achieve within a five year period from the initial application. The goals will be applicants' intention to reduce the academic equity gaps in the retention, time-to-degree, or time-to-certificate completion, and graduation rates for AANHPI students. The goals will be based on data submitted by the applicant;
- d) A strategic plan for a five-year period of the initial designation on how the applicant intends to address the academic and academic equity goals as listed in the application for the designation. The strategic plan will include the following:
  - i) A mission statement of the applicant's commitment to serve AANHPI students;
  - ii) Outreach services to encourage AANHPI students to enroll at the college or university;
  - iii) Academic and basic needs support services to assist AANHPI students achieve their academic goals. The student support services may include campus affinity centers and corequisite coursework or concurrent supports for coursework;
  - iv) An outline of the fiscal or other resources the applicant intends to designate to fulfill the strategic plan over the five-year period of the designation; and,
  - v) An outline of how the applicant will use existing resources to provide culturally relevant professional development to faculty and staff;
- e) The following student success data:
  - i) If the applicant is four-year university, the applicant will submit for the last three academic years prior to the application the graduation rates, yield and retention rates for all students and AANHPI students. The completion rates will include data on students who complete their degree within the normal time-to-degree and within 150% of the normal time-to-degree; and,
  - ii) If the applicant is a two-year community college, the applicant will submit for the previous three years, prior to the application:
    - (1) The number of degrees or certificates completed by all students and AANHPI students;
    - (2) The student transfer rates for all students and for AANHPI students; and,
- f) A description of campus resources used by the applicant to promote equity and inclusion for AANHPI students.

- 6) Requires a renewal applicant to include the following:
  - a) Either the initial application for the original AANHPI designation or a renewal application if the applicant is seeking a secondary renewal after the initial renewal;
  - b) Demonstration of the applicant's progress in achieving the academic goals, academic equity goals, and the strategic plan as provided in either the initial application for the designation or in the renewal application for the AANHPI designation;
  - c) Changes made by the application to any of the following:
    - i) The mission statement addressing the applicant's commitment to serving AANHPI students; and,
    - ii) The campus resources described by the applicant to promote a campus of equity and inclusion for AANHPI students;
  - d) A commitment, certified in writing, by the chief administrative officer of the applying college or university to address AANHPI student success in a manner that is consistent with the applicant's mission;
  - e) Academic goals the applicant intends to achieve within a five-year period of the renewal AANHPI designation. The goals will pertain to retention, time-to-degree, or time-to-certificate completion, and graduation rates of AANHPI students. The goals will be based on data submitted by the applicant.
  - f) Academic equity goals the applicant intends to achieve within a five year period of the renewal AANHPI designation. The goals will be applicants' intention to reduce the academic equity gaps in the retention, time-to-degree, or time-to-certificate completion, and graduation rates for AANHPI students. The goals will be based on data submitted by the applicant.
  - g) A strategic plan for a five-year period of the renewal designation on how the applicant intends to address the academic and academic equity goals as listed in the application for the designation. The strategic plan will include the following:
    - i) Outreach services to encourage AANHPI students to enroll at the college or university;
    - ii) Academic and basic needs support services to assist AANHPI students achieve their academic goals. The student support services may include campus affinity centers and corequisite coursework or concurrent supports for coursework;
    - iii) An outline of the fiscal or other resources the applicant intends to designate to fulfill the strategic plan over the five-year period of the designation;
    - iv) An outline of how the applicant will use existing resources to provide culturally relevant professional development to faculty and staff;

- v) Academic curriculum, including incorporating and expanding ethnic studies and other culturally responsive coursework, to reflect the diverse backgrounds of AANHPI students and to support their academic engagement and retention;
  - vi) Research initiatives to address the needs of lived experiences of AANHPI populations both on campus and in the boarder community of the campus;
  - vii) Data disaggregation collection and analysis to identify and address the distinct needs and achievement gaps of AANHPI ethnic subgroups; and,
  - viii) Intersegmental collaboration between the UC, CSU, CCC, and independent colleges and universities to strengthen the educational pipeline for AANHPI students. The educational pipeline is in reference to the ability of the student to transfer, and successfully complete undergraduate, graduate, and professional degrees.
- h) The following student success data:
- i) If the applicant is four-year university, the applicant will submit for the previous five years graduation rates, completion rates, yield, and retention rates for all students and AANHPI students. The completion rates will include data on students who complete their degree within the normal time-to-degree and within 150% of the normal time-to-degree; and,
  - ii) If the applicant is a two-year community college, the applicant will submit for the previous five years:
    - (1) The number of degrees or certificates completed by all students and AANHPI students; and,
    - (2) The student transfer rates for all students and for AANHPI students.
- 7) Clarifies if an applicant is denied a renewal of the designation, the applicant may submit an initial application for the AANHPI designation and a subsequent renewal application if re-approved for the initial designation.
- 8) Encourages an applicant to consult with the academic senates of the college or university in the compilation of the application (either initial or renewal) for the AANHPI designation.
- 9) Designates a managing entity to act as the neutral administrative body of the AANHPI designation. Authorizes the managing entity to conduct the following duties:
- a) Develop the application process for the initial and renewal of the AANHPI designation;
  - b) Accept initial and renewal applications from colleges and universities. There will be two application deadlines each year as determined by the managing entity;
  - c) Process each application received and present those applications to the governing board twice a year on dates determined by the governing board;
  - d) Inform applicants of the outcome of the application and the governing board's decision to either confer or deny the AANHPI designation to the applicant; and,

- e) Prepare and deliver to an approved applicant, the appropriate AANHPI designation insignia.
- 10) Establishes a governing board to oversee the approval or denial process of the AANHPI designation. The governing board will include in its membership the following:
- a) The Lieutenant Governor, or their designee;
  - b) One member of the public appointed by the Speaker of the Assembly, who will serve a two year term;
  - c) One member of the public appointed by the President of the Pro Tempore of the Seante who will serve a two year term;
  - d) The designee of the President of the UC;
  - e) The designee of the Chancellor of the CSU;
  - f) The designee of the Chancellor of the CCC;
  - g) The designee of the Association of Independent California Colleges and Universities; and,
  - h) The chair of the California Asian American and Pacific Islander Legislative Caucus or their designee.
- 11) Clarifies any designee identified or assigned to the governing will have the full authority of the board member they are representing.
- 12) States it is the intent of the Legislature for any member of the public as appointed to the governing board will have a strong interest in the further development and improvement of the academic success of AANHPI students.
- 13) Designates the Lieutenant Governor or the Lieutenant Governor's designee as the Chair of the governing board for the first two years of operations. Requires the governing board, after two years, to select a subsequent Chair of the governing board with a 2/3 vote.
- 14) Requires the governing board to do the following:
- a) Convene twice a year to approve or deny applications for the AANHPI designation; and,
  - b) Approve or deny each application as presented to the governing board by the managing entity.
- 15) Clarifies all decisions of the governing board require a 2/3 votes of the members who are present for the vote.
- 16) Subjects the governing board to the Bagley-Keene Open Meetings Act.

**EXISTING LAW:**

- 1) Establishes the University of California (UC) as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9) (a) of the California Constitution).
- 2) Constitutes the Donahoe Higher Education Act to establish the definition and missions of the California Community Colleges (CCC), California State University (CSU), and the UC. Establishes the definition and mission of independent institutions of higher education as nonpublic higher education institutions who are considered nonprofits and are accredited by an agency recognized by the United States Department of Education to confer undergraduate degrees, graduate degrees, or both (Education Code (EDC) Section 66010, et seq.).
- 3) Establishes the CSU system, comprised 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 (EDC Sections 66606 and 89000 et. Seq.).
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (EDC Section 70900).
- 5) Establishes the purpose of the California Black Serving Institution (BSI) designation to recognize colleges and universities who excel at providing academic resources to African American students. Permits colleges who have a student population of at least 10 percent Black and African American students, or at least 1,500 students who identify as Black and African American students to apply for the designation. Creates the application criteria for the BSI designation including, but not limited to, a strategic plan on how to provide specified services to Black and African American students, academic goals to improve degree attainment and retention amongst Black and African American students, and goals to close the equity gap. Permits colleges and universities to re-apply for the BSI designation and to demonstrate progress on their initial goals and strategic plan. Each initial BSI designation is valid for five years and the renewal BSI designation is valid for an additional five years (EDC Section 66076.2).
- 6) Establishes the CSU Central Office as the managing entity and endows the managing entity with the authority to develop, accept, process, and present to the governing board applications for the BSI designation. Permits the managing entity to inform applications of the outcome of their application for the designation and to provide insignia to those who receive the BSI designation (EDC Section 66076.3).
- 7) Establishes the governing board of the BSI designation and permits the governing board to determine which colleges and universities who apply for the BSI designation will receive the BSI designation. Creates an eight member governing board comprised of the Lieutenant Governor, a member of the public appointed by the Speaker of the Assembly, a member of the public appointed by the President Pro Tempore of the Senate, a designee from each of the public postsecondary education segments, a designee from the Association of Independent California Colleges and Universities, and the Chair of the California Legislative Black Caucus. Permits the governing board to convene twice a year to vote on the approval or

denial of applications and requires a 2/3 vote for any approval of the applications. The governing board is subject to the Bagley-Keene Open Meetings Act (EDC Section 66076.4).

- 8) Establishes the Asian American, Native Hawaiian, Pacific Islander Student Achievement Program at the California Community Colleges to provide culturally responsive services to enhance student educational experiences and to promote higher education success for low-income, underserved, and first-generation students and other underrepresented students (EDC Section 79511).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Author's intent.* As denoted by the author, "California's Asian American, Native Hawaiian and Pacific Islander (AANHPI) students come from diverse backgrounds and income levels. AB 2374 establishes a state level designation to recognize public and private higher education institutions that show commitment toward supporting AANHPI students in increasing retention and graduation rates. With the increase in anti-Asian hate sentiments and attack on immigrant communities, the designation will help AANHPI students make important enrollment decisions at institutions where they know they will be welcomed and supported in a cultural context."

*Background – Minority Serving Institutions and the repeal of federal funding.* The concept of a minority-serving institution was established in the wake of the Civil Rights Act of 1964 as a tool to provide educational equity to institutions who were serving predominately underrepresented groups in higher education. Originally comprised of Historically Black Colleges and Universities (HBCU) and Tribal Colleges and Universities, the term was expanded by amendments to the Federal Higher Education Act of 1965 to include Predominately Black Institutions (PBI), Hispanic-Serving Institutions (HSI), Asian American, Native American, and Pacific Islander-Serving Institution Program, and Alaska Native-Serving and Native Hawaiian-Serving Institutions (ANNH). Once a higher education institution qualified for one of the above designations, the institution would have subsequently qualified to apply for discretionary grants from the Federal Government.

On September 10, 2025, the U.S. Department of Education (USDE) announced "that it will end discretionary funding to several Minority-Serving Institutions (MSI) grant programs that discriminate by conferring government benefits exclusively to institutions that meet racial or ethnic quotas. This action follows the U.S. Solicitor General's determination in July that the Hispanic-Serving Institutions (HSI) programs 'violate the equal-protection component of the Fifth Amendment's Due Process Clause,' and that the U.S. Department of Justice would not defend them in ongoing litigation."<sup>1</sup> The announcement ended, with immediate effect, the following MSI grant programs:

- 1) Strengthening Alaska Native and Native Hawaiian-Serving Institutions (Title III Part A);
- 2) Strengthening Predominantly Black Institutions (Title III Part A);

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<sup>1</sup> <https://www.ed.gov/about/news/press-release/us-department-of-education-ends-funding-racially-discriminatory-discretionary-grant-programs-minority-serving-institutions>

- 3) Strengthening Asian American- and Native American Pacific Islander-Serving Institutions (Title III Part A);
- 4) Strengthening Native American-Serving Nontribal Institutions (Title III Part A);
- 5) Minority Science and Engineering Improvement (Title III Part E);
- 6) Developing Hispanic-Serving Institutions (Title V Part A); and
- 7) Promoting Postbaccalaureate Opportunities for Hispanic Americans (Title V Part B).<sup>2</sup>

In the press release, the USDE estimated \$350 million in grant funding were cancelled.<sup>2</sup> The cancellation was directly tied to a decision by the U.S. Department of Justice to cease its defense of HSI grants:

“The Higher Education Act authorizes the Department of Education to award to "Hispanic-serving institutions." 20 U.S.C. 1101(c). The Act defines a "Hispanic-serving institution" as an institution of higher education that, among other requirements, "has an enrollment of undergraduate full-time equivalent students that is at least 25 percent Hispanic students." 20 U.S.C. 1101a(5)(B). The Department of Justice has determined that those provisions violate the equal-protections component of the Fifth Amendment’s Due Process Clause. The Supreme Court has explained that "[o]utright racial balancing" is "patently unconstitutional." *Students for Fair Admissions, Inc. v. Presidents & Fellows of Harvard College*, 600 U.S. 181, 223 (2023). And its precedents make clear that the government lacks any legitimate interest in differentiating among universities based on whether "a specified number of seats in each class" are occupied by “individuals from the preferred ethnic groups." *Id.* at 209. Under those principles, the challenged provisions' 25-percent racial quota violates the Constitution.”<sup>3</sup>

The purpose of the MSI grants was not to encourage nor mandate postsecondary education institutions into maintaining enrollment quotas of certain population of students on campus; but rather, the intention was to provide additional direct funding for support services to maintain underrepresented student populations success in higher education. Funds from MSI grants were used to provide a myriad of student support services, all of which contributed to students’ ability to successfully matriculate to a degree. In research conducted by the American Council on Education, underrepresented students attending MSI grant recipient higher education institutions had higher degree completion rates than the federal average.<sup>4</sup>

The CCC, the CSU, and the UC all indicated the cancellation of MSI funding would impact California colleges and universities. In preparation for the November 2025 Assembly Higher Education Committee oversight hearing on the “Impact of the Federal Government on the Future of Higher Education,” the Chancellor’s Office of the CCC shared the system was estimated to

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<sup>2</sup> <https://www.ed.gov/about/news/press-release/us-department-of-education-ends-funding-racially-discriminatory-discretionary-grant-programs-minority-serving-institutions>

<sup>3</sup> <https://www.justice.gov/oip/media/1411811/dl?inline>

<sup>4</sup> <https://www.higheredtoday.org/2017/07/26/minority-serving-institutions-perform-better-federal-graduation-rates-suggest/#:~:text=Looking%20to%20student%20outcomes%2C%20we,graduation%20rate%20was%2034.1%20percent.>

lose \$61.4 million in federal funding due to the cancellation of the grants.<sup>5</sup> The CSU indicated “29 discretionary MSI grants, totaling approximately \$43 million, were discontinued across 19 CSU campuses.”<sup>3</sup> The Legislative Analyst Office in an annual review of the state budget proposal suggested the UC lost between \$12 and \$14 million in MSI grant funds.<sup>6</sup>

AB 2374 (M. Fong) does not seek to restore the lost funds but rather seeks to ensure the services provided to AANHPI students and the efforts to maintain a diverse, equitable, and inclusive campus environment continues through the establishment of an AANHPI designation for colleges and universities in California.

*AANHPI students at public higher education institutions.* According to the California Commission on Asian and Pacific Islander American Affairs, Asian Americans are the fastest-growing ethnic population in the United States.<sup>7</sup> Data collected as part of the 2020 Decennial Census, showed 6 million Californians identified as Asian and 157,263 identified as Native Hawaiian or Pacific Islander.<sup>8</sup> Of the 2.2 million students enrolled at a community college in the 2024-2025 academic year, 248,686 identified as Asian and 7,979 identified as Native Hawaiian or Pacific Islander.<sup>9</sup> In 2025, the CSU enrolled 471,451 students, of whom 71,413 identified as Asian and 1,333 identified as Native Hawaiian or Pacific Islander.<sup>10</sup> The UC enrolled 237,616 students in fall 2025 with 131,933 identifying as Asian and 2,454 identifying as Native Hawaiian or Pacific Islander.<sup>11</sup>

Other than the UC, ANHPI students comprise a minority of the overall student population on California higher education campuses. Providing for a safe and inclusive environment is paramount, when 1 in 10 Asian American adults in Californians experienced a hate crime in a single year.<sup>12</sup> AB 2374 (M. Fong) seeks to accomplish this by providing a California AANHPI designation to help students make informed decisions regarding colleges and universities who are actively providing academic and basic needs support to assist in the academic success of all of their students.

The provision of AB 2374 (M. Fong) asks institutions who are seeking the AANHPI designation to provide a strategic plan for how they will provide targeted support opportunities for AANHPI students to improve graduation and retention rates. In 2022, due to advocacy efforts by the Commission on Asian and Pacific Islander American Affairs, the State provided \$16 million in ongoing funding to the CSU and the CCC to establish the AANHPI student achievement program.<sup>13</sup> The purpose of the funds was to be used to “provide culturally responsive services to enhance student educational experiences and promote higher education success for low-income,

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<sup>5</sup> <https://ahed.assembly.ca.gov/media/3431>

<sup>6</sup> <https://lao.ca.gov/Publications/Report/5143>

<sup>7</sup> <https://capiiaa.ca.gov/>

<sup>8</sup> <https://data.census.gov/profile/California?g=040XX00US06#race-and-ethnicity>

<sup>9</sup> CCC Chancellor’s Office Management Information System Data Mart – Students – Student Count – 2024-2025 – disaggregated by ethnicity.

<sup>10</sup>

[https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay\\_count=no&%3AshowVizHome=no](https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no)

<sup>11</sup> <https://www.universityofcalifornia.edu/about-us/information-center/disaggregated-data>

<sup>12</sup> [https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2026/02/CSH\\_24-25\\_AnnualReport.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2026/02/CSH_24-25_AnnualReport.pdf)

<sup>13</sup> SB 154 (Skinner), Chapter 43, Statutes of 2022 and AB 183 (Committee on Budget), Chapter 54, Statutes of 2022.

underserved, and first generation ANHPI students and other underrepresented students.”<sup>14</sup> The Chancellor’s Office of the CCC provided \$100,000 to 51 eligible colleges and the CSU provided funds to all 23 CSU campuses to provide students with the following services: culturally responsive learning communities, advising and counseling services, mental health counseling, career development, supplemental instruction/tutoring, AANHPI ethnic studies courses and curriculum development, and internship/mentorship opportunities.<sup>15</sup>

AB 2374 (M. Fong) expands upon the work completed by the Legislature to provide additional services to AANHPI students. AB 2374 (M. Fong) requires applicants for the designation to develop a strategic plan to provide similar services to those currently being provided at the CCC and CSU through the AANHPI student achievement program.

*Who is the managing entity?* The measure requires a managing entity to oversee and facilitate the application process for the purpose of awarding postsecondary education institutions in California an AANHPI designation. However, the measure does not designate a managing entity. It is the understanding of the Committee staff that the author is asking for more time to determine who would be the best entity to oversee the administrative process of the California AANHPI designation.

For the designation for California Black-Serving Institutions (BSI designation), the CSU Statewide Central Office for the Advancement of Black Student Success oversees the administrative process for the BSI designation.<sup>16</sup> SB 1255 (Reyes), which is currently awaiting a hearing in the Senate Committee on Appropriations, has identified the CSU Chancellor’s Office to oversee the designation for Hispanic-Serving Institutions (HSI designation). Some options the author’s office may wish to consider for the managing entity include:

- 1) The CSU AANHPI Student Achievement Program Central Office;<sup>17</sup>
- 2) UC, Los Angeles (UCLA) Asian American Studies Center<sup>18</sup>;
- 3) UC Berkeley Institute for the Study of Societal Issues – Asian American Research Center<sup>19</sup>; and,
- 4) California Commission on Asian and Pacific Islander American Affairs.<sup>20</sup>

Each of these entities have demonstrated the administrative ability to process the application requirements and would be able to assist the governing board in complying with the requirements of the Bagley – Keene Act.

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<sup>14</sup> Education Code Section 89297 – 89297.1 and Education Code Section 79510 – 79511.

<sup>15</sup> <https://www.cccco.edu/-/media/CCCCO-Website/docs/report/202425aanhpireport12a11y.pdf?la=en&hash=4BFD979B18454D64AE9F83400212466D2E36E2A9> and <https://www.calstate.edu/impact-of-the-csu/government/Advocacy-and-State-Relations/legislative-reports/1/AANHPI%20Program%20Annual%20Report%20-%202026.pdf>

<sup>16</sup> Education Code Section 66076.1

<sup>17</sup> <https://www.calstate.edu/impact-of-the-csu/diversity/csu-asap/Documents/csu-aanhpi-student-achievement-program-timeline.pdf>

<sup>18</sup> <https://newsroom.ucla.edu/magazine/ucla-asian-american-studies-center>

<sup>19</sup> <https://issi.berkeley.edu/aarc>

<sup>20</sup> <https://capiaa.ca.gov/wp-content/uploads/sites/16/2025/12/2025-CAPIAA-Annual-Report-Reduced-File-Size.pdf>

*Another entity that could at a future date could manage all the State BSI, HSI, and AANHPI designations would be the California Education Interagency Council. Given the Council has yet to operationalize, Committee staff would recommend the author select a managing entity that aligns the provisions of AB 2374 (M. Fong) with the BSI designation and the language of SB 1255 (Reyes). Perhaps providing an opportunity for the UC system to oversee a designation would provide parity and continuity in the managing entities for all three designations.*

*Affirmative Action and Proposition 209.* In the United States, affirmative action is an effort introduced by the Federal Government to improve and increase employment and educational opportunities for minority groups. While used in all areas of government policy and contracting, affirmative action is most colloquially associated with college and university admissions, where admission quotas based on race were used to increase diversity and to establish equitable access to educational opportunities.

In 1996, the California voters established Proposition 209, which banned the use of preferential treatment by State and other public entities. Since 1996, the use of affirmative action has been prohibited by the State Constitution in California. In the Legislative Analyst Office’s ballot description of Proposition 209 (1996), provided the following examples of affirmative action program, “public colleges and university programs such as scholarship, tutoring, and outreach that are targeted toward minority or women students.”<sup>21</sup>

AB 2374 (M. Fong) stipulates that in order for a college or university to qualify for the AANHPI designation, a postsecondary institution must provide a strategic plan for academic and basic needs supports to assist in the academic success of AANHPI students.

*The Committee may wish to consider whether the provision of this bill could be interpreted as a violation of Proposition 209.*

In June 2023, the United States Supreme Court ruled on two cases, *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023) and the companion case *Students for Fair Admissions v. North Carolina*.<sup>22</sup> The ruling stated affirmative action in admission decision is unconstitutional and the majority opinion concurred that Title VI of the Civil Rights Act bars affirmative action. The court ruling primarily focused on the use of affirmative action as a tool for admissions to a college or university.

AB 2374 (M. Fong) provides a tool colleges and universities can use to increase diversity in admissions without the use of affirmative action. Providing the AANHPI designation would allow colleges and universities to market the availability of inclusivity and academic support for students, which in turn could increase the enrollment of AANHPI students and close academic achievement gaps.

*Arguments in support.* As the sponsors of the measure, the California Commission on Asian and Pacific Islander American Affairs (Commission) states “California’s Asian American, Native Hawaiian, and Pacific Islander students comprise diverse populations whose educational experiences and outcomes are often obscured by aggregated data and persistent stereotypes, masking documented equity gaps among specific subpopulations. Despite this, a statewide

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<sup>21</sup> [https://lao.ca.gov/ballot/1996/prop209\\_11\\_1996.html](https://lao.ca.gov/ballot/1996/prop209_11_1996.html)

<sup>22</sup> [https://www.supremecourt.gov/opinions/22pdf/20-1199\\_hgdj.pdf](https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf)

designation that honors organizations that serve this population does not yet exist. AB 2374 fills this need by providing a transparent and fair application process for designation and demonstrating long-term commitment via strategic planning and accountability.”

The Commission further states, “A statewide designation process for AANAPHI serving institutions will encourage institutional accountability, strategic planning, and targeted support structures aligned with statewide equity and student success goals. In addition to creating conditions where AANHPI students may flourish both academically and personally, it pushes schools to improve their student support programs. This designation is a testament to California's leadership in promoting educational fairness and advancing disadvantaged communities. We also acknowledge your leadership and dedication to the advancement of the entire AANHPI community, paving the road to our continued success. AB 2374 will benefit students, families, and institutions throughout the state in a significant and long-lasting way.”

The UC Student Association (UCSA) contends, “by becoming designated as an AANAPISI, universities can create better opportunities for Asian American and Native Pacific Islander students to earn a postsecondary degree in a culturally responsive environment. AB 2374 requires California’s institutions to go through a rigorous application process before being designated as an AANAPISI. In order to be eligible, they need a certification by an administrative officer, five year plans for academic and academic equity goals, along with information on their graduation rates for those specific communities. By clearly stating what they desire to achieve publicly, they are held accountable to these goals and are able to more efficiently achieve them. They are also motivated to accomplish these goals in a timely manner, as the designation is required to be reapplied every five years. Through formalizing this process, we make it so the organizations that come will more easily be designated as AANAPISI and start working towards providing needed long term support. AB 2374 helps students by empowering institutions to think critically about their long term plans for academic, outreach, and basic needs goals for AANAPI students.”

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

African American Male Education Network & Development (A2MEND)  
 Association of California School Administrators  
 Association of Independent California Colleges & Universities (AICCU)  
 California Commission on Asian and Pacific Islander American Affairs  
 Cerritos College  
 Delta Kappa Gamma International - Chi State  
 Hispanic Association of Colleges and Universities (HACU)  
 University of California Chicana Latinx Alumni Association  
 University of California Los Angeles  
 University of California Office of the President  
 University of California Student Association

### **Opposition**

None on file.

**Analysis Prepared by:** Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960