

Date of Hearing: May 13, 2020

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2972 (Limón) – As Amended May 4, 2020

**SUBJECT:** Public postsecondary education: undocumented students.

**SUMMARY:** Requires the California Community Colleges (CCC) Board of Governors and the California State University (CSU) Trustees, and encourages the University of California (UC) Regents, to create a systemwide training program, for administrators, faculty, and staff, of those respective segments to complete annually, relating to undocumented students, Deferred Action for Childhood Arrivals (DACA), federal and state laws related to immigration generally state law relating to exemption from nonresident tuition, and resources that the system or campus has for undocumented students. Specifically, **this bill:**

- 1) Establishes the systemwide training program, as enumerated in the summary above, to be an online training program.
- 2) Requires that the training program be available to all faculty and staff of the segments (e.g. CCC, CSU, and UC).
- 3) Requires the governing bodies of the segments to encourage faculty and staff, particularly advisors, counselors, and human resources specialists, to take the training.
- 4) Stipulates that the training provided under this measure shall not be sufficient to meet the requirements for a staff person to be designated as a Dreamer Resource Liaison pursuant to existing law.
- 5) Specifies that “administrator” shall include, but not necessarily be limited to, all of the following:
  - a) With respect to the CCC, the chancellor, a member of the board of governors, the general counsel, a vice chancellor, a member of a district governing board, a district superintendent, and a college president, vice president, or dean;
  - b) With respect to the CSU, the chancellor, a trustee, the general counsel, a vice chancellor, and a university president, vice president, or dean; and,
  - c) With respect to the UC, the president, a regent, the general counsel, a vice president, and a university chancellor, vice chancellor, or dean.

**EXISTING LAW:**

*Federal law.* Creates the Deferred Action for Childhood Arrivals (DACA) policy, authorizing certain people who came to the United States as children and meet several guidelines to request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer

removal action against an individual for a certain period. Deferred action does not provide lawful status.

To note, DACA was announced on June 15, 2012, by the Secretary of Homeland Security, under the direction of President Obama.

*State law.*

- 1) Requires the CCC and the CSU, and requests the UC, to create Dreamer Resource Liaisons and Dream Resource Centers on each campus, as specified (Education Code (EC) Section 66021.8).
- 2) Exempts specified California nonresidents from paying nonresident tuition at UC, CSU, and 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 the student's immigration status or will file such an application as soon as the student is eligible to file one (EC Section 68130.5.).
- 2) Requires the CSU Trustees and the CCC Board of Governors, 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).
- 3) Establishes the California Dreamer Service Incentive Grant Program, under the administration of the California Student Aid Commission (CSAC), for students that qualify for the exemption from nonresident tuition established by AB 540 (Firebaugh), Chapter 814, Statutes of 2001 (EC Section 69438, et seq.).
- 4) 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 Board of Governors Fee Waiver), and institutional financial aid to students who qualify for the aforementioned exemption from non-resident tuition (as listed in number one above); students must apply by March 2 prior to the academic year; Dream Act recipients receive Cal Grant Entitlement awards, but are not eligible for Competitive Cal Grant awards unless

funding remains available after eligible California students have received awards (EC Section 69508.5).

- 5) Establishes the California DREAM Loan Program intended to provide low-interest loans to Dream Act students who are accessing the Cal Grant program and attending UC and CSU. These students are not eligible for federal student loans, making it difficult for some to cover the total costs of college. The law requires the state, UC, and CSU to split the costs of launching the program (EC Sections 70030-70039).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Deferred Action for Childhood Arrivals.* The DACA process is a federal process that defers removal action of an individual for a specified number of years; it allows eligible individuals to have work authorization. An undocumented student without DACA status is not authorized to work; and a growing concern exists that those with work authorization under the DACA program will soon lose their authorization as the Trump administration attempts to phase-out the program.

According to the Center for American Progress, as of September 2019, data on DACA recipients, their families, and their economic contributions are largest in California and Texas, where nearly half of DACA recipients - 29% and 17%, respectively - live. In California, nearly half a million (477,000) individuals live in homes with the state's 188,000 DACA recipients. California DACA recipients are parents to 73,000 U.S.-born children. Their households pay \$2.1 billion in federal taxes and \$1 billion in state and local taxes annually. They own nearly 11,000 homes in the state and pay \$184.4 million in mortgage payments and \$901.9 million in rental payments each year.

*Purpose of this measure.* According to the author, no systemwide training is available for staff, faculty, or administrators in order to be educated about the complexities of undocumented students.

The author contends that, "Students, staff, and faculty may have DACA, and some may be undocumented. Others might live in families in which individuals have differing documentation statuses. The undocumented student community can include those who only have DACA, or only AB 540 — which allows undocumented students to pay in-state tuition — or neither. This complex landscape can be difficult to navigate, so administration must be proactive in training and advocating for the needs of our undocumented students."

Further, the author states, "In addition, with the impending Supreme Court decision on DACA expected in the coming months, there is a dire need for colleges and universities to understand how to protect their students. Even just in dealing with ICE [U.S. Immigration and Customs Enforcement] protocols and the various sanctuary policies (differing from county to county) campus officials have not been adequately prepared in dealing with the crisis."

The author states, "Legislation would ensure there is consistency across all campuses and systems so that students at any university can expect the same level of support. Any trainings that do currently exist are only conducted at the campus level, and therefore a DACA recipient at one university with a great (though still not mandatory) training, may not receive the same level of service as a student at a university without one. It's imperative that all students have the support they need to graduate, and this legislation is a step in the right direction."

*Committee comments.* As currently drafted, it is unclear how each of the segments' faculty and staff will be made aware of the online training. *Moving forward, the author may wish to consider including parameters for notifying the segments' faculty and staff of the created online training.*

**REGISTERED SUPPORT / OPPOSITION:****Support**

California State Student Association (Sponsor)  
Campaign for College Opportunity  
CSU Employees Union (CSUEU)  
Hispanic Association of Colleges and Universities (HACU)  
National Association of Social Workers, California Chapter  
San Jose-Evergreen Community College District  
Southern California College Access Network  
Student Senate for California Community Colleges

**Opposition**

None on file.

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