

Date of Hearing: March 19, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 595 (Medina) – As Introduced February 14, 2019

SUBJECT: Community colleges: apprenticeship programs.

SUMMARY: Authorizes a California Community College (CCC) student enrolled in a CCC class or classes, pursuant to an apprenticeship or internship training program, who lacks a social security number (SSN), to use an individual tax identification number (ITIN) for the purposes of any required background check by the class(es) or program.

EXISTING LAW:

- 1) Establishes the mission and function of the CCC: to offer academic and vocational instruction at the lower division level; authorizes the CCC to grant the associate in arts and the associate in science degree; and, requires the CCC to offer remedial instruction, English as a Second Language instruction, and adult noncredit instruction, and support services which help students succeed at the postsecondary level (Education Code (EC) Section 66010.4.
- 2) Requires the Board of Governors of the CCC 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 board of governors shall 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, et seq.).

FISCAL EFFECT: None. This measure is keyed non-fiscal by the Legislative Counsel.

COMMENTS: *Background.* According to information provided by the author's office, the CCC has an estimated 50,000 – 70,000 undocumented students. Many undocumented students do not qualify for Deferred Action for Childhood Arrivals (DACA) and with no SSN, undocumented students cannot complete the Free Application for Federal Student Aid (FAFSA); therefore, undocumented students are not eligible for any federally-funded financial aid, including loans, grants, scholarships or work-study money.

Additionally, pursuant to the federal Health Insurance Portability and Accountability Act (HIPPA) of 1996, background checks are required for anyone that works in a hospital. According to the CCC Chancellor's Office, the HIPPA background check requirement includes students who need to complete certain clinical placement hours in a hospital.

To note, Committee Staff understands that other CCC apprenticeship programs, such as building trades, require a SSN and fingerprints as part of the background check for workers (including students).

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.

Need for the measure. According to the author, “California community colleges offer a wide array of programs that require participation in an apprenticeship or internship program; however, many of these programs require students to have a valid social security number”. The author contends that, “This prevents undocumented students who do not qualify for the Deferred Action for Childhood Arrivals (DACA) from entering those programs”.

This measure seeks to allow the use of ITINs in lieu of SSNs (for students who are ineligible for a SSN), for the purpose of any mandatory background checks that are required for participation in a class or apprenticeship and/or internship program.

According to the Faculty Association of California Community Colleges (FACCC), sponsors of this measure, no consistency exists among community college programs regarding the acceptance of undocumented students in various programs that require background checks for participation. Additionally, FACCC contends that systemwide, some CCCs accept ITINs in lieu of SSNs, other CCCs do not know if they can accept ITINS in lieu of SSNs, and still other CCCs only accept a SSN for participation.

To note, FACCC believes that the lack of consistency makes it very challenging and difficult for undocumented students to plan their careers and educational futures.

Individual Tax Identification Number. An ITIN is a tax processing number issued by the Internal Revenue Service (IRS). The IRS issues ITINs to individuals who are required to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain, a SSN from the Social Security Administration.

The IRS issues ITINs to help individuals comply with U.S. tax laws, and to provide a means to efficiently process and account for tax returns and payments for those not eligible for SSNs. They are issued regardless of immigration status, because both resident and undocumented individuals may have a U.S. filing or reporting requirement under the Internal Revenue Code.

To note, ITINs do not serve any purpose other than federal tax reporting. Additionally, an ITIN does not authorize work in the U.S., provide eligibility for social security benefits, and/or qualify a dependent for Earned Income Tax Credit purposes. If undocumented individuals have not filed taxes with the IRS, an ITIN will be issued to them by the IRS provided they submit a completed Form W-7 to the IRS.

Prior legislation. SB 1159 (Lara), Chapter 752, Statutes of 2014, in part, prohibited licensing boards under the California Department of Consumer Affairs from denying licensure to applicants based on their citizenship or immigration status, and required a licensing board and the State Bar of California to require, by January 1, 2016, that undocumented applicants for licensure can provide their individual ITIN in lieu of a SSN for an initial or renewal license.

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center
Faculty Association of California Community Colleges (Sponsor)
Service Employees International Union (SEIU California)

Opposition

None on file.

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960