

Date of Hearing: June 13, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Mike Fong, Chair  
SB 467 (Portantino) – As Introduced February 13, 2023

**SENATE VOTE:** 39-0

**SUBJECT:** Community colleges: apprenticeship or internship training programs.

**SUMMARY:** Prohibits a California Community College (CCC) student from being denied admission to an apprenticeship or internship training program because the student uses an individual tax identification number (ITIN), rather than a social security number (SSN), for purposes of any background check required by the class 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.).
- 3) Authorizes the use of an ITIN for purposes of conducting background checks required by a class or program for CCC students enrolled in a CCC apprenticeship or internship training program who do not have a SSN (EC Section 79149.25).

**FISCAL EFFECT:** Unknown. This bill has been keyed non-fiscal by the Legislative Counsel.

**COMMENTS:** *Background.* Systemwide, 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 (HIPAA) of 1996, background checks are required for anyone that works in a hospital. According to the CCC Chancellor's Office, the HIPAA background check requirement includes students who need to complete certain clinical placement hours in a hospital.

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).

Further, according to information provided by the author's office, "the Legislature has previously passed a variety of measures supporting undocumented students within the California Community College system, including removing barriers for enrollment and increasing access to financial aid. Among those efforts, the Legislature passed bills in 2016 and 2019 allowing an individual without a social security number to utilize an individual tax identification number for the purposes of background checks required by many internships, apprenticeships, or allied health providers that offer clinical hours."

The author contends that, "the end result has seen some college programs deny students access to certain career technical education or workforce programs if it is believed that they will not be able to complete the program or secure employment in their field as a result of their immigrations status, as this does not support the programs overall completion metrics. Some community college career technical education and workforce development programs have denied certain students admission or enrollment in a certificate program or degree pathway based on their utilization of an individual tax identification number for a back-ground check in the associated internship, apprenticeship, or clinical placement."

*Deferred Action for Childhood Arrivals.* On June 15, 2012, the United States Secretary of Homeland Security announced that certain people who came to the United States as children, and meet several guidelines, may request consideration of deferred action for a period of two years subject to renewal. Eligible individuals may request work authorization. Deferred action is an exercise of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status. In essence, the DACA process is a federal process that defers removal action of an individual for a specified number of years; and it allows eligible individuals to have work authorization. However, an undocumented student without DACA status is not authorized to work under federal work programs.

On September 28, 2021, the Department of Homeland Security (DHS) published a notice of proposed rulemaking (NPRM or proposed rule) that proposed to establish regulations to preserve and fortify the DACA policy to defer removal of certain noncitizens who years earlier came to the United States as children, meet other criteria, and do not present other circumstances that would warrant removal. After review of the public comments received, on August 30, 2022, the DHS published the DACA Final Rule, with the intent to preserve and fortify the aforementioned DACA policy.

*Need for the measure.* According to the author, "undocumented students are a crucial part of California's workforce, but often face challenges when trying to access higher education opportunities and securing jobs. SB 467 helps address one of these challenges and ensures immigration status is no longer a legal barrier to achieving educational goals."

*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 the United States 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 United States filing or reporting requirement under the Internal Revenue Code.

The ITINs do not serve any purpose other than federal tax reporting. Additionally, an ITIN does not authorize work in the United States, 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.

*Arguments in support.* According to the Michelson Center for Public Policy (MCP), “with the California workforce facing an increased need for trained workers in the healthcare, manufacturing, and technology industries, ensuring that every student has the ability to be connected with the necessary programs to fill these gaps is essential. Students participating in these programs have the opportunity to access life changing economic opportunities, which should not be denied to them based on their immigration status.”

The MCP contends that, “SB 467 will close access gaps by prohibiting community college students from being denied admission to apprenticeship or internship training programs due to the student’s use of an individual tax identification number for purposes of the background check required by the class or program.”

*Prior legislation.* AB 595 (Medina), Chapter 176, Statutes of 2019, authorizes a CCC student enrolled in a CCC class, pursuant to an apprenticeship or internship training program, who lacks a SSN, to use an ITIN for the purposes of any required background check by the class or program.

SB 1139 (Lara), Chapter 786, Statutes of 2016, in part, prohibits a student, including an undocumented person, and/or a person who is exempt from nonresident tuition, who meets the requirements for admission to a medical degree program at any public or private postsecondary educational institution that offers such a program, or who meets the requirements for admission to a healing arts residency training program whose participants are not paid, from being denied admission based on citizenship or immigration status.

SB 1159 (Lara), Chapter 752, Statutes of 2014, in part, prohibits 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 Community Colleges Chancellor's Office  
California Edge Coalition  
California Faculty Association  
California Federation of Teachers, AFL-CIO  
California Immigrant Policy Center  
California Opportunity Youth Network

California Workforce Association  
Citrus College  
Faculty Association of California Community Colleges (Sponsor)  
Growing Inland Achievement  
Inland Coalition for Immigrant Justice  
Los Angeles Area Chamber of Commerce  
Los Angeles College Faculty Guild, Local 1521  
Michelson Center for Public Policy  
Mt. San Antonio College  
National Association of Social Workers, California Chapter  
North Orange Community College District  
North Orange County Community College District  
Proteus, Inc.  
San Diego Community College District  
Student Senate for California Community Colleges

**Opposition**

None on file.

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