

The California Dream Act

SB 1

The following packet will provide information for SB 1 The California Dream Act. Currently the bill has passed the State Legislature and will be in the Governor's office by the week of September 24, 2007. The bill needs the support of various sectors – including commerce, labor and education. This packet will provide a comprehensive summary of the bill, support list, policy language, and the legislative status of SB 1.

**Advocacy
Proposal**

Students encourage your organization to support this bill. SB1 strengthens the workforce load, provides economic stability, and addresses major concerns that will affect all Californians.

We encourage your organization or board, to call and send a letter to The Office of Governor Schwarzenegger requesting that the Governor sign the bill into law.

Basic information of SB1 The California Dream Act:

SB 1 was approved by the legislature Tuesday September 11, 2007, and is now under consideration by Governor Schwarzenegger.

The bill has been amended to address the Governor's veto message last year and concerns raised by the Los Angeles Times in an editorial earlier this year.

The California Dream Act, SB 1 (Cedillo) allows U.S. citizen and undocumented AB 540 students to apply for community college fee waivers and eligible for the Cal Grant which can be applied at California colleges and universities. However, SB 1 specifically excludes students from the Competitive Cal Grant Program.

California high school graduates who have been accepted to our premier public colleges and universities may not be recognized as state residents and may be ineligible for state financial aid. According to the San Francisco Chronicle, there are over 25,000 undocumented students who graduate every year from high school. These students confront a difficult challenge of financing their college education because they are ineligible for any federal grants or loans and are unable to legally work.

"In short, although these children have built their lives here, they have no possibility of achieving and living the American dream. What a tremendous loss for them, and what a tremendous loss to our society." – **Republican U.S. Senator Orrin Hatch** author of earlier versions of the federal DREAM Act

CURRENT BILL STATUS

MEASURE : S.B. No. 1
AUTHOR(S) : Cedillo (Principal coauthor: Assembly Member Nunez)
(Coauthors: Senators Calderon, Ducheny, Oropeza, Padilla, Romero, Wiggins, and Yee) (Coauthors: Assembly Members Arambula, Brownley, Caballero, Coto, De Leon, Eng, Hernandez, Jones, Leno, Mendoza, Parra, Saldana, Soto, and Torrico).
TOPIC : Student financial aid: eligibility: California Dream Act.
HOUSE LOCATION : SEN
+LAST AMENDED DATE : 09/11/2007

TYPE OF BILL :
Active
Non-Urgency
Non-Appropriations
Majority Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

LAST HIST. ACT. DATE: 09/12/2007
LAST HIST. ACTION : Unanimous consent granted to consider without reference to file. Senate concurs in Assembly amendments.
(Ayes 24. Noes 15.) **To enrollment.**
COMM. LOCATION : ASM APPROPRIATIONS
COMM. ACTION DATE : 09/11/2007
COMM. ACTION : Do pass as amended.
COMM. VOTE SUMMARY : Ayes: 10 Noes: 05 PASS

TITLE : An act to add Sections 66021.6, 69508.5, and 76300.5 to the Education Code, relating to student financial aid.

**BILL NUMBER: SB 1 ENROLLED
BILL TEXT**

PASSED THE SENATE SEPTEMBER 12, 2007
PASSED THE ASSEMBLY SEPTEMBER 11, 2007
AMENDED IN ASSEMBLY SEPTEMBER 11, 2007
AMENDED IN ASSEMBLY SEPTEMBER 7, 2007
AMENDED IN ASSEMBLY AUGUST 31, 2007
AMENDED IN ASSEMBLY JULY 2, 2007
AMENDED IN SENATE MARCH 7, 2007

INTRODUCED BY Senator Cedillo
(Principal coauthor: Assembly Member Nunez)
(Coauthors: Senators Calderon, Ducheny, Oropeza, Padilla, Romero,
Wiggins, and Yee)
(Coauthors: Assembly Members Arambula, Brownley, Caballero, Coto,
De Leon, Eng, Hernandez, Jones, Leno, Mendoza, Parra, Saldana, Soto,
and Torrico)

DECEMBER 4, 2006

An act to add Sections 66021.6, 69508.5, and 76300.5 to the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, Cedillo. Student financial aid: eligibility: California Dream Act.

(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would amend the Donahoe Higher Education Act to require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and request the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under this provision, or who meet equivalent requirements adopted by the regents, to be eligible to receive student aid awards from private entities that are administered by these segments. The bill would declare that this provision is a state law within the meaning of a federal statute that permits a state to only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment

of a state law affirmatively providing for that eligibility. This provision would apply to the University of California only if the regents, by appropriate resolution, act to make it applicable. This bill would also provide that persons who are exempt under these requirements, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California, except the Competitive Cal Grant A and B award program. The bill would declare that this provision is a state law within the meaning of a federal statute that permits a state to only provide an alien who is not lawfully present in the United States with eligibility for a state or local public benefit through the enactment of a state law affirmatively providing for that eligibility.

(2) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction, for prescribed fees, at community college campuses throughout the state. Existing law authorizes the waiver of these fees for, among others, students who are eligible under income standards established by the board of governors.

This bill would require community college districts to waive the fees of persons who are exempt from nonresident tuition under the provision described in (1), and who otherwise qualify for a waiver under this provision, under regulations and procedures adopted by the board of governors. Because the bill would impose new duties on community college districts with respect to determining eligibility for fee waivers, the bill would constitute a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the California Dream Act.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) Section 66021.6 of the Education Code, as added by Section 3 of this act, does not grant these pupils any advantage over the student population as a whole in determining who qualifies for, or receives, financial aid.

(2) The community college fee waiver standards are not competitive grants and are based upon the federal income guidelines.

(3) Student aid pursuant to Sections 69434 and 69435 of the Education Code is not competitive and allows academically and financially eligible California high school graduates to apply for a grant.

(4) Increased access to financial aid for all students in California's universities and colleges increases the state's collective productivity and economic growth.

(5) It is the intent of the Legislature that all students who are exempt from nonresident tuition pursuant to Section 68130.5 of the Education Code that are deemed to be in financial need be eligible for financial aid.

(6) It is the intent of the Legislature to fully utilize student aid programs to encourage qualified California high school graduates to attend a postsecondary institution.

(b) It is, therefore, the intent of the Legislature to address these issues by enacting the California Dream Act.

SEC. 3. Section 66021.6 is added to the Education Code, to read:

66021.6. Notwithstanding any other law, the Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to be eligible to receive student aid awards from private entities that are administered by these segments. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 4. Section 69508.5 is added to the Education Code, to read:

69508.5. Notwithstanding any other law, a person who is exempt from paying nonresident tuition under Section 68130.5, or who meets equivalent requirements adopted by the Regents of the University of California, is eligible to apply for, and participate in, any student financial aid program administered by the State of California, except the Competitive Cal Grant A and B award program established pursuant to Section 69437. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 5. Section 76300.5 is added to the Education Code, to read:

76300.5. A district shall waive the fees of a person who is exempt from paying nonresident tuition under Section 68130.5, and who otherwise qualifies for a waiver under Section 76300, under regulations and procedures adopted by the board of governors. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Editorial of Support By San Jose Mercury News

Editorial: College degrees for immigrants benefit the state

Mercury News Editorial

San Jose Mercury News

Article Launched:08/13/2007 01:35:08 AM PDT

Without increasing the student aid budget, California could help undocumented high school graduates pursue a college education.

The "California Dream Act," SB 160 by Sen. Gil Cedillo, D-Los Angeles, would extend eligibility for Cal Grants and community college fee waivers to undocumented students who've attended a state high school for three years; these students already qualify for in-state tuition but not for state or federal aid.

This is a good investment for the state. Brought across the border illegally by their parents, these young people grew up in California. They'll work in California, pay taxes, use services and raise children. Whether they manage to become legal citizens or not, they aren't going away. With a small investment, the state can help swell the ranks of programmers, nurses and technicians.

Gov. Arnold Schwarzenegger vetoed last year's version of the bill, saying it's unfair to give aid to undocumented students when there's not enough for citizens and legal residents.

In response, Cedillo plans to amend SB 160 to let undocumented students apply only for community college fee waivers and "entitlement" Cal Grants, which are guaranteed to high school graduates with a minimum C average who demonstrate financial need. In recent years, more than a third of the money allocated in this category has gone unclaimed, points out Cedillo. The estimated cost of fee waivers and Cal Grants for undocumented students is a tiny fraction of the funds budgeted and unspent.

When it's amended to exclude undocumented students from Cal Grant categories with limited funding, the Legislature should pass SB 160 and the governor should sign it.

With no access to state or federal aid, undocumented students often don't see college as a realistic goal. Some get private scholarships or work their way through - an estimated 1,000 undocumented students attend University of California or California State University campuses - but only the most determined complete a degree.

California will need more college graduates in coming years. In a recent report, the Public Policy Institute of California predicted 41 percent of jobs will require a college education by 2025 but only 32 percent of workers in the state will have the necessary education. We can't count on importing college graduates from India or Indiana, PPIC warns. We need to educate more of the kids already here.

The collapse of the federal immigration bill killed a federal version of the Dream Act which included the promise of green-card eligibility for undocumented youths who complete two years of college or military service.

California can't promise successful students a path to legalization, but the educated are likely to find a way through employee sponsorship or marriage or new federal legislation.

Helping all students who want to go to college will pay off in the future - for the student and the state.

San Francisco Chronicle Editorial of Support for the California Dream Act

College for all

San Francisco Chronicle (CA) Published June 1, 2007

THE FIERCE resentment against illegal immigrants that drove a political movement in California more than a decade ago has, fortunately, subsided.

Instead, most Californians have come to accept the inevitability, and even the necessity, of illegal immigrants on the California landscape.

In recognition of the need to incorporate illegal immigrants into the mainstream of California society, in 2001 the state Legislature approved AB540. It allows undocumented high-school graduates, who have attended a California high school for at least three years, to enroll in a state college or university and pay in-state tuition.

But the state has only partially opened the doors to these young people. They still aren't eligible to apply for state educational grants such as Cal Grants. As a result, many undocumented high-school graduates don't attend college -- undermining the Legislature's clear intent to open our college doors to them.

That is why approval of SB160, authored by state Sen. Gilbert Cedillo, D-Los Angeles, is so important. The bill, which Cedillo calls the California Dream Act, would allow students to apply for fee waivers at all California community colleges, and to apply for Cal grants and other forms of state student aid.

"We have made an investment of 12 years of public education in these children already," Cedillo said in a telephone interview. "It makes no sense to undermine that investment by not granting them funding available to every high-school student."

These students should not be held hostage by the actions of parents who may have chosen to come to California illegally years before. The Legislature should approve Cedillo's bill -- and then work on passage of a federal "Dream Act," which Congress continues to dither over.

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Column: EDITORIALS

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Sacramento Bee Editorial Support for the California Dream Act

Editorial: Educate all kids

Don't make parents' status a barrier

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Published 12:00 am PDT Friday, March 16, 2007

Every year, about 25,000 students who have been raised and schooled in California but who came to the state as children of illegal immigrants graduate from California high schools.

California can't do anything to change the immigration status of these students. That's a national issue, and Congress has been dilatory in passing a bill to resolve their status. They weren't born here, so they aren't U.S. citizens; but since they have been raised here and have little or no connection with the home country of their parents, the United States is the only country they know.

Until Congress acts, they essentially remain "citizens of nowhere." But while Congress continues to delay, California must act in its own interest and make sure these students become contributing members of society, not a burden.

In all 50 states, these kids can attend public elementary and secondary schools. And like nine other states, California has a law that allows them to pay in-state tuition to attend a public college or university, if they meet three requirements.

First, they must attend high school in California for three or more years. Second, they must graduate from a California high school or pass the GED. Third, they must sign a document saying they'll seek lawful immigration status as soon as they are eligible.

Texas goes one step further and allows these students to receive state financial aid. California should, too.

Last August, the California Senate and Assembly passed legislation (Senate Bill 160) to allow these students to be eligible for financial aid. But the governor returned the bill without his signature, so it died.

Sen. Gil Cedillo reintroduced SB 160 in January and it had its first hearing Wednesday. The Legislature should pass it again.

As Cedillo said at the hearing, we've already made an investment in the K-12 education of these students, and we shouldn't undermine it by prohibiting talented, hardworking kids from competing for a public college or university education. We're all better off if they graduate from high school (rather than drop out) and, if they meet admission requirements, attend a college or university.

Both the Los Angeles and San Francisco chambers of commerce support SB 160. As David Rattray of the Los Angeles Area Chamber said in an interview, businesses need an educated workforce and communities need an educated citizenry for quality of life.

California has an enormous number of kids brought here by their parents as youngsters, and they don't have a pathway to success.

"California and Texas have the most at stake," Rattray said. "We have to stop being so passive. We must lead in Congress and lead at our own state level. These kids are the face of tomorrow. It's us."

It's a travesty that Congress hasn't yet passed long-standing legislation to put these kids on a path to citizenship. Until that day comes, we're better off as a state if those living and working here are educated. It's as simple as that. The Legislature should pass SB 160, again. And, this time, Gov. Arnold Schwarzenegger should sign it.

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Phone: (916) 321-1000

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In response, Cedillo plans to amend SB 160 to let undocumented students apply only for community college fee waivers and "entitlement" Cal Grants, which are guaranteed to high school graduates with a minimum C average who demonstrate financial need. In recent years, more than a third of the money allocated in this category has gone unclaimed, points out Cedillo. The estimated cost of fee waivers and Cal Grants for undocumented students is a tiny fraction of the funds budgeted and unspent.

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Helping all students who want to go to college will pay off in the future - for the student and the state.

Partial California Dream Act Support List – 2007

Organizations

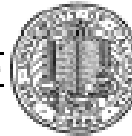
American Federation of State, County, and Municipal Employees (AFSME)
Asian Pacific American Legal Center of Southern California
Associated Students Inc. of California State University Sacramento
Associated Students Inc. of California State University San Marcos
Association of Independent California Colleges and Universities (AICCU)
Cabrillo Community College District
California Catholic Conference
California Chicano-Latino Intersegmental Convocation (CLIC)
California Community College Office of the Chancellor
California Community College Extended Opportunity Programs & Services Association
California Federation of Teachers (CFT)
California Immigrant Policy Center
California Latino Association of Business
California Post Secondary Education Commission (CPEC)
California State Student Association
California State University (CSU)
California Student Aid Commission (CSAC)
CDR Remodling
Chabot Community College
Chicano/Latino Faculty and Staff Association – California State University Fullerton (CLFSA)
City College of San Francisco
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Community College League of California
Cosumnes River College
Faculty Association of California Community College (FACCC)
Foothill-De Anza Community College District
Hispanic Association of Colleges and Universities
Hispanic Chamber of Commerce Alameda County
Justice Matters Institute
Lambda Letters Project
Latino Coalition for Healthy California (LCHC)
Los Angeles Area Chamber of Commerce
Los Angeles Community College District
Los Angeles Unified School District
Mexican American Concilio of Yolo County
Mexican American Legal Defense and Educational Fund (MALDEF)
National Council of La Raza (NCLR)
Orange County DREAM Team
Regional Parent Advisory Committee of Migrant Education Region 24 (Lindsay, CA)
Rio Hondo Community College District
Sacramento Hispanic Chamber of Commerce
San Francisco Chamber of Commerce
San Jose-Evergreen Community College District
Shoreline Unified School District
The College Board
The National Hispanic University (NHU)
Tomales High School (Marin County)
University of California (UC)
YWCA Pasadena-Foothill Valley

Elected Officials and Trustees

The Honorable Arnulfo Cedillo, Chabot-Las Positas Community College District Trustee
The Honorable Blanca Brown, Lemon Grove School District Trustee
The Honorable Carmen Avalos, Cerritos College District Trustee
The Honorable Diana Jimenez, North Monterey County Unified School District Trustee
The Honorable Dr. Elsa O Valdez, San Bernardino City Unified School District Trustee
The Honorable Jose Luis Solache, Lynwood School Board Trustee
The Honorable Kathryn Ramirez, Salinas Union High School District Trustee
The Honorable Laura Casas Frier, Foothill-DeAnza Community College District Trustee
The Honorable Reynold R. Esquivel, Stone Corral Elementary School District Trustee
City Council
The Honorable Maria Orozco, City of Gonzales Council Member

Legislators:

AUTHOR(S) : Cedillo (Principal coauthor: Assembly Member Nunez)
(Coauthors: Senators Calderon, Ducheny, Oropeza,
Padilla, Romero, Wiggins, and Yee) (Coauthors: Assembly
Members Arambula, Brownley, Caballero, Coto, De Leon,
Eng, Hernandez, Jones, Leno, Mendoza, Parra, Saldana,
Soto, and Torrico).



OFFICE OF THE PRESIDENT

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(916) 443-9924

Stephen A. Arditi, Assistant Vice President and Director

September 14, 2007

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol
Sacramento, California 95814

Re: SB 1 (Cedillo)

Dear Governor Schwarzenegger:

The University of California respectfully requests your signature on SB 1, which would allow undocumented students who qualify for a nonresident tuition exemption under AB 540 to be eligible for non-Competitive Cal Grant awards, private scholarship funds administered by public institutions, and California Community College Board of Governor fee waivers.

The University supported AB 540 because we believe that students who have been in California for a significant period of time but are not legal residents should have access to higher education, and nonresident fee levels served as a barrier to their participation. SB 1 begins to address the additional financial barriers these students face: their inability to receive federal, state, or institutional aid.

AB 540 recipients with documentation (i.e., U.S. citizens or permanent residents) are already eligible to receive financial aid from all normal sources, including the University, the state Cal Grant Program, and federal grants, loans, and work-study. Those who are undocumented may only receive aid awarded by private entities; they cannot and do not receive state Cal Grant aid. By making these students eligible for such aid, SB 1 would help place these students on a more equal footing with other needy students and would enhance their access to and success at the University.

Through their hard work and continued perseverance in overcoming untold obstacles, these students have achieved academically and earned the opportunity to attend the University; their accomplishments should not be disregarded or their future success jeopardized because of their legal status.

Finally, SB 1 was crafted specifically to address the concern you raised in your veto message of last year's California Dream Act (SB 160) regarding limited competitively awarded financial aid funds being redirected from California resident students to undocumented students. For all of these reasons, we respectfully request your signature of the bill.

The Honorable Arnold Schwarzenegger
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September 14, 2007

Once again, we thank you for your continued commitment to higher education and for your consideration of the University's views.

Sincerely,

A handwritten signature in black ink that reads "Steve Arditti". The signature is written in a cursive, flowing style.

Stephen A. Arditti
Assistant Vice President and Director

cc: Senator Gilbert Cedillo
President Robert C. Dynes
Provost and Executive Vice President W. Rory Hume
Executive Vice President Bruce B. Darling



FABIAN NUÑEZ
SPEAKER OF THE ASSEMBLY

August 22, 2007

Dear California Dream Act Network:

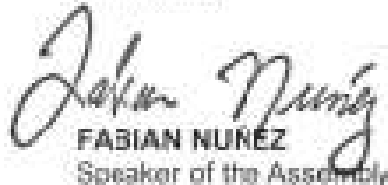
I would like to commend you for all your efforts to rally support around the California and the Federal Dream Acts.

Our youth are our most valuable resource, and investing in their futures will strengthen our communities, workforce, and economy. Ensuring that our public colleges and universities remain accessible and affordable to all students continues to be a priority. Throughout my tenure, I have fought against student fee increases and to protect academic preparation and outreach programs that serve low-income and immigrant students across the state.

As a civic leader and long-time advocate of immigrant and human rights, I am committed to working with state and national leaders to create immigration reform policy that keeps families together and creates a clear path towards citizenship.

I encourage you to keep me abreast of your ongoing efforts and to collaborate with my district office staff on your lobbying efforts. Should you have any questions or concerns please do not hesitate to contact Alejandra Velazquez of my office at (213) 620-4646.

In solidarity,


FABIAN NUÑEZ
Speaker of the Assembly