



Date: June 7, 2011
To: Honorable Mayor and City Council
From: Councilmember Patrick O'Donnell, Chair, State Legislation Committee
Subject: **ASSEMBLY BILLS 130 AND 131 REGARDING THE CALIFORNIA DREAM ACT**

The State Legislation Committee, at its meeting held Tuesday, May 31, 2011, considered communications relative to the above subject.

It is the recommendation of the State Legislation Committee that the City Council concur in the recommendations of the Committee to discuss and take action on Assembly Bills 130 and 131 regarding the California Dream Act.

Respectfully submitted,

STATE LEGISLATION COMMITTEE


Councilmember Patrick O'Donnell, Chair

Prepared by:
Dina Lopez Wild



Date: June 7, 2011

To: Mayor and Members of the City Council

From: Patrick O'Donnell, Chair of the State Legislation Committee 

Subject: **Recommendation to consider a City position on AB 130 (Cedillo) and AB 131 (Cedillo) regarding the California Dream Act**

On Tuesday, May 31, 2011, the State Legislation Committee held a meeting to discuss AB 130 (Cedillo) and AB 131 (Cedillo), and recommended consideration by the full City Council. These bills are collectively known as the California Dream Act of 2011 and would allow students who benefit from the AB 540 non-resident tuition waiver greater access to financial aid for the purposes of a California public higher education.

Additional information regarding these bills is included in the attached fact sheets.

Fiscal Impact: There is no additional fiscal impact in taking a legislative position on a bill, as resources are already budgeted for legislative advocacy.

Recommendation: Consider a City position on AB 130 (Cedillo) and AB 131 (Cedillo) regarding the California Dream Act.



AB 130 (CEDILLO): STUDENT FINANCIAL AID: **ELIGIBILITY: CALIFORNIA DREAM ACT OF 2011**

SUPPORT AND OPPOSITION
JUNE 2011

As of May 25, 2011 the following organizations have registered an official legislative position on AB 130, the California Dream Act of 2011. This bill would make non-state financial aid available to AB 540 students for the purposes of California public higher education. Non-state financial aid includes tuition revenues, private gift funds to the university/college or any other source to the extent allowable by federal law.

Support and Opposition

Supporters:

Advancement Project
AltaMed
American Civil Liberties Union (ACLU)
American Federation of State, County and Municipal Employees (AFSCME)
Anti-Defamation League (ADL)
Association of Independent California Colleges and Universities (AICCU)
California Catholic Conference
California Communities United Institute
California Dream Network
California Federation of Teachers
California Grape & Tree Fruit League
California Immigrant Policy Center
California Postsecondary Education Commission
California School Employees Association (CSEA), AFL-CIO
California State University (CSU)
California State Student Association (CSSA)
California Student Aid Commission
California Teachers Association (CTA)
Camino Nuevo Charter Academy
Chicano Federation of San Diego County
Chicano Latino Caucus of the California Democratic Party
City of San Pablo
City of Watsonville
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Community Charter Middle School
Community College League of California
Equality California
Faculty Association of California Community Colleges (FACCC)
Fontana Unified School District
Friends Committee on Legislation of California
Gay-Straight Alliance Network (GSA Network)
Hartnell College
Hispanic Association of Colleges & Universities (HACU)
Korean Resource Center (KRC)
La Raza Law Students Association at UC Davis
Latino Equality Alliance

League of United Latin American Citizens (LULAC), Lorenzo Patiño Council
Lieutenant Governor Gavin Newsom
Los Angeles Chamber of Commerce
Los Angeles Community College District
Los Angeles County Democratic Party
Los Angeles Leadership Academy
Los Angeles Unified School District
MAAC Community Charter School
Mayor of Los Angeles, Antonio Villaraigosa
National Korean American Service & Education Consortium (NAKASEC)
National Council of La Raza (NCLR)
Nisei Farmers League
Para Los Niños
Peralta Community College District
Rio Hondo Community College District
San Jose-Evergreen Community College District
Santa Rosa Charter Academy
Service Employees International Union, California (SEIU)
Service Employees International Union, United Long Term Care Workers
Services, Immigrant Rights & Education Network (SIREN)
Student Senate for California Community Colleges (SSCCC)
UAW Local 2865
University of California Student Association (UCSA)
Yolo County Supervisor, Jim Provenza

Opposition

Concerned Women for America of California



AB 130 (CEDILLO): STUDENT FINANCIAL AID: ELIGIBILITY: CALIFORNIA DREAM ACT OF 2011

AS AMENDED: MAY 2, 2011

JUNE 2011

Introduction

The following is an analysis of AB 130 (Cedillo), also known as the California Dream Act of 2011. This piece of legislation is intended to make non-state financial aid accessible to students who qualify for the AB 540 non-resident tuition fee waiver. AB 540 students are typically those who (1) do not have legal immigration status and thus cannot establish state residency, or (2) are United States citizens but are residents of another state.

Bill Summary

AB 130 would allow a student to who is eligible for the non-resident tuition waiver created by AB 540 (Firebaugh), to also become eligible for scholarship funds derived from non-state funds that are received by the University of California system (UC), California State University system (CSU), and California Community College system (CCC) for the purpose of scholarships.

Committee Analysis

According to the University of California system, it cannot award its own funds to undocumented students, whether they are derived from private gifts to the university, tuition revenue, or any other source. When donors want to help these students, campuses must refer the donor to external organizations. AB 130 makes AB 540 students eligible for scholarships derived from non-state funds that the UC, CSU and CCC campuses receive for scholarships.

This bill would benefit AB 540 students. Qualification for the AB 540 non-resident tuition waiver requires that students meet all four of the criteria below:

1. Attend a California high school for three or more years.
2. Graduate from a California high school or attained an equivalent degree.
3. Register or attend an accredited California education institution beginning after fall of the 2001-2002 academic year.
4. If an alien without lawful immigration status, have filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so.

According to the UC, CSU, and CCC systems, in 2009-10, enrollment of AB 540 students was: 1,941 at UC (of these 32% were undocumented immigrants); 3,633 at CSU; and 36,203 at CCC. The CSU and CCC systems do not identify the immigration status of AB 540 students but believe that undocumented students make up a larger proportion of students at their institutions than at the UC system. AB 130 would make financial aid more accessible to these students.

Support. Supporters of AB 130 contend that this bill is necessary to allow UC, CSU and CCC education systems to provide financial aid to students who demonstrate a need for the aid. These would be the same students with whom the state has already made an investment in, as evidenced by the students' AB 540 status.

Opposition. Concerned Women for America is the only registered opponent to this bill. The group also opposes a similar bill, AB 131. Concerned Women for America states it finds AB 130 and AB 131 “very troubling,” and opposes both bills on the basis that they would, “provide yet another magnet for illegal immigration.”

Fiscal Analysis

The State Assembly floor analysis states that this bill has zero direct state costs, but could result in a reallocation of any available scholarship monies at public universities.

Legislative History

- Introduced in the State Assembly on January 11, 2011.
- Passed the Assembly Committee on Higher Education (6-3) on March 15, 2011.
- Passed the Assembly Committee on Appropriations (12-3) on April 13, 2011.
- Passed the Assembly Floor (51-22) on May 5, 2011.
- **Status:** In the Senate Committee on Education, hearing June 8, 2011.



AB 131 (CEDILLO): STUDENT FINANCIAL AID

AS AMENDED: MAY 27, 2011

JUNE 2011

Introduction

The following is an analysis of AB 131 (Cedillo). This piece of legislation is intended to make state financial aid available to all students who qualify for the AB 540 non-resident tuition fee waiver. The bill also proposes to expand eligibility requirements for AB 540 status. AB 540 students are typically those who (1) do not have legal immigration status and thus cannot establish state residency, or (2) are United States citizens but are residents of another state.

Bill Summary

AB 131 would make available, state administered financial aid to students who qualify for the AB 540 exemption. State administered financial aid includes Cal Grant Entitlement funds and student aid programs administered by the attending college or university (i.e. State University Grant, UC Grant). AB 131 would also expand eligibility requirements for the AB 540 non-resident tuition fee waiver.

Specifically, provisions in AB 131 would:

1. Make AB 540 students eligible to apply for and participate in:
 - a. Any state-administered student financial aid program, including institutionalized aid, to the full extent permitted by federal law.
 - b. The California Community Colleges (CCC) Board of Governors fee waiver program and declares this provision to be consistent with immigration law.
2. Stipulate that AB 540 students are not eligible for Competitive Cal Grant Awards unless funds remain available after all eligible non-AB 540 students have received the awards. AB 540 students would be eligible for Cal Grant Entitlement Awards beginning in 2013-2014.
3. Request the University of California (UC) Board of Regents and requires the California State University (CSU) Board of Trustees and the CCC Board of Governors to establish procedures and forms to enable AB 540 students to apply for and participate in all student aid programs administered to the full extent permitted by federal law.
4. Expand eligibility for the AB 540 exemption, effective January 1, 2012, to include attendance and graduation from California technical and adult schools, provided the student attended a California high school for at least one year.

Committee Analysis

Currently, students must meet the four criteria below, in order to be eligible for the AB 540 non-resident tuition waiver:

1. Attend a California high school for three or more years.
2. Graduate from a California high school or attained an equivalent degree.
3. Register or attend an accredited California education institution beginning after fall of the 2001-2002 academic year.
4. If an alien without lawful immigration status, have filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so.

According to the UC, CSU, and CCC systems, in 2009-10, enrollment of AB 540 students was: 1,941 at UC (of these 32% were undocumented immigrants); 3,633 at CSU; and 36,203 at CCC.

The CSU and CCC systems do not identify the immigration status of AB 540 students but believe that undocumented students make up a larger proportion of students at their institutions than at the UC system. AB 130 would make financial aid more accessible to these students.

Support. Supporters of AB 131 note the state's need for one million more workers with college degrees, and contend that California cannot afford to exclude people or prevent students from attending college; therefore, providing state and institutional financial assistance to all qualified students is essential.

Additionally, since AB 540 considers only high school attendance in order to qualify for the non-resident tuition waiver, high school students who combine high school attendance with attendance at an adult or technical school may jeopardize their eligibility for the non-resident tuition exemption. This bill would amend AB 540 requirements and allow students to complete two of the three years of required school attendance at an adult or technical school, provided that the student attends a California high school for at least one year.

Opposition. Concerned Women for America is the only registered opponent for this bill. The group also opposes a similar bill, AB 130. Concerned Women for America states that it finds AB 131 and AB 130 "very troubling," and opposes both bills on the basis that they would "provide yet another magnet for illegal immigration."

Fiscal Analysis

The Assembly Appropriations Committee states that any additional cost incurred by this bill would begin in 2012-2013.

Expanding AB 540 Eligibility. Expanding eligibility for the AB 540 exemption would allow more students to pay in-state tuition, thus result in a loss of non-resident tuition. However, the additional enrollment could increase the amount of revenue California receives from per-student subsidy costs.

Cal Grants. The Committee estimates that the additional annual General Fund cost of about \$13 million for Cal Grant Entitlement Awards would begin in 2013-14. In addition to the added grant costs, the Committee estimates that the first year implementation cost for technology programming to accommodate AB 540 students would be approximately \$700,000. In future years, the cost would be approximately \$250,000.

Institutional Aid (i.e. State University Grant, UC Grant). The Assembly Appropriations Committee states that allowing AB 540 students to become eligible for aid from UC, CSU or CCC systems will not increase overall spending, but may change the mix of recipients and/or the amount of funding recipients receive. At a CSU, the amount of institutional aid AB 540 students will receive as a result of AB 131 is approximately \$7.6 million; at a UC, this amount is estimated between \$3.8 and \$4.6 million.

California Community College. The Assembly Appropriations Committee states that the revenue loss to the California Community College system from the CCC Board of Governors waiver will be offset by Proposition 98 funding, and would be a direct state cost. Based upon an estimated population of 36,000 AB 540 students at California Community Colleges, if 45 percent of those students received fee waivers, the state cost would be \$7 million.

Legislative History

- Introduced in the State Assembly on January 11, 2011.
- Passed the Assembly Committee on Higher Education (6-3) on May 16, 2011.
- Passed the Assembly Committee on Appropriations (11-5) on May 27, 2011.
- **Status:** Pending Assembly floor vote.



AB 131 (CEDILLO): STUDENT FINANCIAL AID

SUPPORT AND OPPOSITION

JUNE 2011

As of May 25, 2011 the following organizations have registered an official legislative position on AB 131, legislation that would expand eligibility requirements for AB 540 student status, and make available, state administered financial aid to AB 540 students for the purposes of California public higher education.

Support and Opposition

Supporters

Advancement Project
AltaMed
American Civil Liberties Union (ACLU)
American Federation of State, County and Municipal Employees (AFSCME)
Anti-Defamation League (ADL)
Association of Independent California Colleges and Universities (AICCU)
California Catholic Conference
California Communities United Institute
California Dream Network
California Federation of Teachers
California Immigrant Policy Center
California Postsecondary Education Commission
California School Employees Association (CSEA), AFL-CIO
California State University (CSU)
California State Student Association (CSSA)
California Student Aid Commission
California Teachers Association (CTA)
Camino Nuevo Charter Academy
Chicano Federation of San Diego County
Chicano Latino Caucus of the California Democratic Party
City of San Pablo
City of Watsonville
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Community Charter Middle School
Community College League of California
Equality California
Faculty Association of California Community Colleges (FACCC)
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Gay-Straight Alliance Network (GSA Network)
Hartnell College
Hispanic Association of Colleges & Universities (HACU)
Korean Resource Center (KRC)
La Raza Law Students Association at UC Davis
Latino Equality Alliance
League of United Latin American Citizens (LULAC), Lorenzo Patiño Council
Lieutenant Governor Gavin Newsom
Los Angeles Chamber of Commerce
Los Angeles County Democratic Party

Los Angeles Community College District
Los Angeles Leadership Academy
MAAC Community Charter School
Mayor of Los Angeles, Antonio Villaraigosa
National Korean American Service & Education Consortium (NAKASEC)
National Council of La Raza (NCLR)
Para Los Niños
Peralta Community College District
Rio Hondo Community College District
San Jose-Evergreen Community College District
Santa Rosa Charter Academy
Service Employees International Union (SEIU)
Service Employees International Union, United Long Term Care Workers
Services, Immigrant Rights & Education Network (SIREN)
Student Senate for California Community Colleges (SSCCC)
UAW Local 2865
University of California (UC)
University of California Student Association (UCSA)
Yolo County Supervisor, Jim Provenza

Opposition

Concerned Women for America of California



City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

Date: *June 3, 2011*

To: Larry Herrera, City Clerk

From: *Councilmember Patrick O'Donnell*

Subject: Request to Add Agenda Item to Council Agenda of *June 7, 2011*

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Consider a position on AB 130 (Cedillo) and AB 131 (Cedillo) regarding the California Dream Act.

Council District	Authorizing Councilmember	Signed by
4	Patrick O'Donnell	<i>Patrick O'Donnell</i>
1	Robert Garcia	<i>Robert Garcia</i>
7	James Johnson	<i>Michael Chavetz</i>