

# The California Dream Act

## SUMMARY

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### **Background**

Governor Brown signed into law legislation authored by Assembly Member Cedillo to enact the California Dream Act of 2011. Companion Assembly Bills 130 and 131 will allow California higher education institutions to assist California high school graduates who are exempt from paying nonresident tuition under the terms of California Education Code section 68130.5 [*i.e.*, Assembly Bill 540 (Firebaugh, Statutes of 2001, Chapter 814)] to apply for and receive state financial assistance and to participate in state-administered student aid programs for which they are eligible.

### **Eligibility**

The California Dream Act is intended to offer financial aid and other educational support services to students who are exempt from paying nonresident tuition under AB 540, according to the following requirements:

- a. Attended a public or private high school in California for three or more years,
- b. Graduated from a California high school or attained the equivalent by passing the GED or California High School Proficiency exam,
- c. Registered at or currently attending an accredited institution of higher education in California, and
- d. If undocumented, filed an affidavit with the college or university certifying intent to file an application to legalize their immigration status when eligible.

### **AB 130**

AB 130 provides legal authority for institutions to administer such programs. The scholarships may be funded by private donors, alumni contributions, individual departmental efforts, professional associations, foundations, community organizations, charitable groups, or donations from other entities.

As an example, the California Community Colleges Scholarship Endowment ("Endowment"), funded by The Bernard Osher Foundation and other donors, and administered by the Foundation for California Community Colleges, annually awards a number of \$1,000 scholarships to students with the most financial need who have demonstrated success and commitment in their coursework.

### **AB 131**

AB 131 authorizes the California Community Colleges, California State University and University of California to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under AB 540 to apply for and, if determined to be eligible, participate in all student aid programs administered by those segments to the full extent permitted by federal law. This includes the BOG Fee Waiver, EOPS (Extended Opportunity Programs and Services), CARE (Cooperative Agencies Resources for Education), and community college CalWORKs (California Work Opportunity and Responsibility to Kids) programs. Applicants must meet specific income and other eligibility criteria for each program and effective dates vary, as noted below:

## **Programs**

### **Board of Governors (BOG) Fee Waivers: Effective January 1, 2013**

- Eligibility for Part A and B BOG Fee Waivers can be determined by using the BOG Fee Waiver “short form” application.
- Eligibility for a Part C BOG Fee Waiver requires the determination of financial need according to the federal need analysis formula. AB 540 students who are citizens or eligible non-citizens with valid social security numbers (SSN) should file a FAFSA. This will enable them to also receive federal student aid if they are eligible. Undocumented AB540 students cannot file a FAFSA and should use the “Dream App” instead.

### **Cal Grants**

AB 131 directs CSAC to establish procedures and forms that assist California Dream Act students to apply for and participate in all student financial aid programs administered by the State of California. For purposes of the Cal Grant programs, California Dream Act students are able to apply for Entitlement awards but are not eligible for Competitive awards until such time as there are a sufficient number of awards to serve all eligible California resident students.

The Cal Grant application period begins January 1, 2013 and concludes on March 2, 2013, for the 2013-14 academic year.

### **EOPS, CARE and CalWORKs**

California Dream Act students are eligible to participate in these programs for terms beginning on or after January 1, 2013, if they meet application deadlines and meet all other program eligibility requirements. Eligible students may receive services.

California Dream Act students can receive financial aid awards from EOPS, CARE and community college CalWORKs only if the number of financial aid awards to California residents is not reduced.

### **Conclusion**

Please advise students to consult with an immigration attorney if they have any questions about how their participation in these programs might impact their immigration status or their eligibility to apply for Deferred Action for Childhood Applicants (DACA) or Adjustment of Status or other immigration relief.

### **Contacts**

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