



1111 Franklin Street
Oakland, California 94607-5200
Phone: (510) 987-9074
Fax: (510) 987-9086
<http://www.ucop.edu>

April 19, 2012

CHANCELLORS

I am writing to provide you with the enclosed guidelines for implementing the California Dream Act (AB 130 and AB 131). As you know, the University strongly supported the Dream Act, consistent with our commitment to be financially accessible for all students admitted to UC. As you also know, the Act will expand access to financial aid for students, including undocumented students, who attended and graduated from a California high school and who meet other eligibility requirements.

The enclosed guidelines address implementation questions that may arise at each campus and clarify that students covered by the Dream Act are eligible for the Blue and Gold Opportunity Plan. The guidelines have been reviewed by the Office of the General Counsel.

If you or your staff have any questions related to implementing the Dream Act, Kate Jeffery, Director of Student Financial Support will be pleased to speak with you. She can be reached by email at kate.jeffery@ucop.edu and by telephone at (510) 987-9530.

With best wishes, I am,

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Mark G. Yudof".

Mark G. Yudof
President

Enclosure

cc: Members, President's Cabinet
Executive Vice Chancellors
Vice Chancellors Student Affairs

Administrative Guidelines for Implementing the California Dream Act I and II at the University of California

1. Context

The enactment of AB 130 and AB 131 – commonly known as the California Dream Act I and II – expands access to various forms of financial aid for UC students who meet certain eligibility requirements. The University of California Office of the President, in consultation with the Office of the General Counsel, has issued these guidelines to help campuses implement these laws in a consistent manner.

2. Definitions

Eligible students. To be eligible under the Dream Act, students:

- must have attended a high school in California for three or more years;
- must have graduated from a high school in California or attained the equivalent thereof; and
- must not be a nonimmigrant student under federal immigration law .¹

In addition, students must file an affidavit indicating that if the student is not already in compliance with U.S. immigration laws, the student has filed an application to legalize his/her immigration status, or will file an application as soon as the student is eligible to do so.

Scholarships or fellowships. Need- and/or merit-based awards made to students that are not intended as compensation for work performed (e.g., wages) and which do not have to be repaid.

Private gifts and endowments. Funds received by the University as private gifts or private endowments, along with the annual payout from such funds.

3. Summary of Provisions

AB 130 permits eligible students to apply for and receive scholarships that are funded by private gifts and endowments “received, for the purpose of scholarships,” by the University. The effective date of AB 130 is January 1, 2012.

AB 131 permits eligible students “to apply for, and participate in, all student aid programs administered by [UC] to the full extent permitted by federal law.” AB 131 also permits these students “to apply for, and participate in, all student financial aid programs administered by the State of California,” including the Cal Grant program. The effective date of AB 131 is January 1, 2013.

4. Determination of Eligibility

Nonresident students who are determined to be exempt from paying Nonresident Supplemental Tuition under AB 540 by the Residency Deputy at each campus will be deemed eligible under the Dream Act, too. Nearly all students whose financial aid will be potentially affected by AB 130 and AB 131 fall into this category.

¹ Nonimmigrants, as defined by federal immigration law, may include, but are not limited to, students with one of the following visas: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, TN/ TD, U, TWOV and NATO. Federal visa designations as “nonimmigrant” are subject to change.

In addition, a handful of California resident students who meet the eligibility requirements listed above may become newly eligible for some forms of financial aid under AB 130 and AB 131 (e.g., students who are classified as California residents for tuition purposes but who are not U.S. citizens or permanent residents and hence are not currently eligible to receive Cal Grants or certain institutional aid awards). In order to ensure that uniform standards are used to determine Dream Act eligibility, the Residence Deputy at each campus, or his or her delegate, will be responsible for determining whether any California resident who seeks eligibility for financial aid under AB 130 or AB 131 meets the eligibility requirements described above. Such a student will remain classified as a California resident for tuition purposes.

5. Financial Aid Programs Covered by the California Dream Act

The provisions of AB 130 apply only to UC-administered scholarship programs derived from private gifts and endowments, as defined.

The provisions of AB 131 apply to all State and UC financial aid programs unless otherwise noted, including but not limited to:

- Cal Grants
- UC Grants
- UC loans
- UC scholarships/fellowships

Neither AB 130 nor AB 131 applies to federal aid programs or funding.

Note that undocumented students are generally unauthorized to be employed in the United States and hence remain ineligible for work-study awards, teaching assistantships, research assistantships, and other forms of student financial support that require the University or a third party to employ the student. Undocumented students also remain ineligible for awards from private funds where the donor has specified a requirement (e.g., U.S. citizenship) that the student does not meet.

6. Determination of Financial Need (Where Applicable)

Cal Grants, UC Grants, and many other institutional aid programs are only available to students with demonstrated financial need. Students typically provide information about their family's financial resources – which is one factor in determining need – by completing the on-line Free Application for Federal Student Aid (FAFSA) at fafsa.gov.

In cases where a student would normally be required to complete the FAFSA, an eligible undocumented student seeking financial aid under the Dream Act should complete the California Dream Application instead. The California Dream Application is expected to become available in April 2012 at caldreamact.org.

7. Equity in Financial Aid Packages

Under AB 130, eligible students – including undocumented students – may apply for UC scholarships funded by private gifts and endowments on an equal footing with other UC students. AB 131 extends this eligibility to other University-funded scholarships, too.

Under AB 131, eligible students are also eligible to apply for other forms of state and University aid, including Cal Grants and UC Grants. In determining a student's eligibility for UC grants, campuses should ensure that a student's resulting self-help level is comparable to that of a California resident student with similar financial need. Eligible students may also qualify for the Blue and Gold Opportunity Plan, provided that they meet all other relevant requirements of the Plan.

Note that UC campuses generally expect undergraduate students to apply for all federal and state financial aid programs for which they are eligible. If a student fails to apply for federal or state aid, submits a late application, or chooses not to comply with requirements of a federal or state aid program for which the student is otherwise eligible, campuses are not expected to replace the missing federal or state financial aid with institutional aid. Such students may receive less aid than other students who do apply on-time.

Eligible undocumented students will not be expected to apply for a Pell Grant since they remain ineligible for federal aid. However, they will be expected to apply on-time for UC Grants and Cal Grants using the appropriate forms provided by the Student Aid Commission and/or UC. A student who fails to do so may receive less grant support than other students who do apply on-time.

8. Maintenance of Awards to California Resident Students

AB 131 stipulates that the number of institutional financial aid awards received by California resident students should not be diminished as result of providing awards to eligible students under AB 131. Campuses are not expected to make this determination for individual institutional aid programs. Rather, the Office of the President will monitor trends in aggregate scholarship, fellowship, and grants awarded to California resident students on behalf of campuses to document the University's compliance with this provision.

9. Soliciting/Accepting Funds for Undocumented Students

Campuses are permitted to raise funds and/or accept private gifts and endowments specifically designated to benefit eligible undocumented students. Campuses may wish to consider doing so in recognition of the fact that these students have fewer employment and loan options than other students to cover the self-help portion of their financial aid package.

10. Special Provisions for 2013

The Student Aid Commission will award Cal Grants to newly eligible students beginning Fall 2013. Consequently, eligible students are expected to receive larger UC Grants in Winter/Spring 2013, on average, than in subsequent terms in order to maintain equity in financial aid award packages with other students.

11. Policy Revisions

The UCOP Department of Student Affairs, in consultation with the Office of the General Counsel, will revise and communicate these guidelines to campuses as necessary.