

COMMENTARY

Capitalizing on California-Nurtured Talent

Undocumented Students and the California DREAM Act

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PUBLISHED: September 28, 2010

Often missing in the public discourse about immigration is the 1982 landmark Supreme Court case of [Plyler v. Doe](#). Relying on the equal protection clause of the 14th amendment, the Court ruled that undocumented children could not be denied a public education due to their immigration status. Presently, the *Plyler* decision protects the educational rights of approximately 1.5 million children under 18 years of age. The educational rights of approximately 65,000 undocumented students expire every year when they graduate from the nation's high schools. About two-thirds are of Latino descent and 40% reside in California. Increased media coverage has brought national attention to the plight of undocumented high school graduates who face great obstacles accessing higher education because they do not qualify for federal loans or financial aid, cannot legally work, and may be deported at any anytime.

Efforts by advocates and state legislators led Texas in 2001 to pass [HB1403](#), the nation's first state law that allowed undocumented Texas high school graduates to pay in-state tuition at public colleges and universities. To gain broad support for the bill, advocates relied primarily on an economic rationale: the bill would increase enrollment of, and fees from, students who would otherwise not enroll or drop-out. In addition, The Texas State Comptroller conducted an economic impact study that concluded that every dollar the state invested into higher education for undocumented students would yield more than five dollars for the Texas economy in the long run. Following the Texas example, and relying on a similar economic rationale, California also passed its own in-state tuition bill for undocumented California high school graduates, [AB540](#), in 2001. As of 2010, nine other states have passed in-state tuition legislation for undocumented students, with Texas, and New Mexico also providing access to state financial aid to pay for tuition costs. Despite in-state tuition laws, only about 10 to 20 percent of undocumented youth who graduate from high school go on to college, with estimates ranging between 7,000–13,000.

In-state legislation has increased the number of California undocumented students pursuing a college degree, but enrollment figures remain modest at best. In California, approximately 25,000 undocumented students graduate from high school each year, yet less than 7,000 enroll in community colleges, with enrollment figures being much lower for the [University of California](#) system and the [California State University](#) system. Estimates suggest that about 1,620 undocumented students were enrolled in 2005 in the University of California and California State University systems under AB540. These numbers are only a fraction of the 2.5 million students enrolled in California higher education institutions. Two weeks ago, for the 5th time, the California state legislature passed a bill that if signed into law would make California the third state, after Texas and New Mexico, to provide access to state financial aid resources to undocumented students.

California Senate Bill 1460, also known as the California [DREAM Act](#), and its accompanying bill [AB1413](#) would allow undocumented students who graduate from California high schools and qualify for in-state tuition under [AB540](#) to access [Community College Fee](#)

[Waivers, California State University and University of California Institutional Aid, and Cal Grants](#) Currently, undocumented students who qualify for the AB540 in-state tuition waiver are ineligible for State and Federal financial assistance. Despite state educational investment in educating undocumented students in public schools, governor Schwarzenegger has vetoed the California DREAM Act each of the three times it has reached his desk.

There is no question that undocumented students will gain a path to legalization in the near future, either through the federal DREAM Act, or a broader comprehensive immigration reform bill. This year, In an unprecedented demonstration of their leadership, political savvy, and organizational skills, undocumented students and their allies have organized well-coordinated youth-led national events to pressure Congress and the President to pass the DREAM Act in 2010. Their talent has been quite evident in my research with college-going undocumented students. I learned not only about their resilience and high academic achievement despite legal and economic hardship, but also about their high levels of community service, volunteer work, and activism. The state resources we have invested in their education has resulted in a growing but neglected pool of talent that can become an important asset for the state of California. [Will governor Schwarzenegger finally sign the California Dream Act into law in 2010](#) to ensure that all Californians get a return on their investment in college-eligible undocumented students?

Suggested citation

Perez, W. (2010, September). *Capitalizing on California-nurtured talent: Undocumented students and the California DREAM Act* [Commentary]. Policy Analysis for California Education. <https://edpolicyinca.org/newsroom/capitalizing-california-nurtured-talent>



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