

**RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 0809-0050**

**ENDORISING AND URGING THE GOVERNOR TO SIGN SB 1301 – THE CALIFORNIA DREAM ACT**

**WHEREAS**<sup>1</sup>, the Donahue 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 including but not limited to the California Community Colleges, California State University and the University of California as determined by Resolution of the Regents of the latter institution,

**WHEREAS**, 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 on or after 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 the prescribed affidavit, is exempt from paying nonresident tuition at California Community Colleges and the California State University; requires the waiver of student fees charge by community college districts for students who demonstrate financial need or are otherwise eligible for waiver of such fees; requires the Board of Governors of the California Community Colleges to allocate to community college districts for determining financial need and delivering student financial aid services an amount based on the amount of fees waived,

**WHEREAS**, it is estimated that annually approximately 25,000 talented, hard working students, who came to the state as children of illegal immigrants, graduate from California high schools, are here to stay and, while the State of California cannot change the immigration status of such students, it is in the state's own interest to insure that these students become contributing college educated members of society,

**WHEREAS**, SB 1301, amends the Donahue Higher Education Act, requiring the Trustees of the California State University and the Board of Governors of the California Community Colleges and requests the Regents of the University of California to establish procedures and forms that enable persons who are exempt from paying nonresident tuition under law, or who meet equivalent requirements adopted by the Regents of the University of California, to be eligible to receive institutional financial aid awards, including grants, scholarships, work study and loan programs except a board of governors fee waiver,

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<sup>1</sup> The Whereas clauses herein, except one, are substantially verbatim from the Legislative Counsel's Digest of and/or clauses of SB 1301.

**WHEREAS, SB 1301, specifically finds and declares that its provisions are a state law within the meaning of federal law — Section 1621(d) of Title 8, United States Code - that permits a state to provide a person, who is not lawfully present in the United States, with eligibility for a state or local benefit, e.g., institutional financial aid as defined in SB 1301,**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Education endorses and urges Governor Arnold Schwarzenegger to sign SB 1301 the "California Dream Act" - into law.**

**Passed by the following vote:**


**AYES:** Kerry Hamill, Gregory Hodge, Noel Gallo, Christopher Dobbins,  
Vice President Alice Spearman, and President David Kakishiba

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Gary Yee

**I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held September 24, 2008.**

  
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**Edgar Rakestraw, Jr.**  
**Secretary, Board of Education**  
**Oakland Unified School District**

File ID Number: 08-2136  
Introduction Date: 9-24-08  
Enactment Number: 08-1489  
Enactment Date: 9-24-08  
By: RS