

THIRD READING

Bill No: AB 1641
Author: Jackson (D) and Ramos (D), et al.
Amended: 5/19/26 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/3/26

AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Reyes

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 5/4/26 - See last page for vote

SUBJECT: Postsecondary education: segments: tribal colleges and universities

SOURCE: California Indian Nations College

DIGEST: This bill expands the statutory definition of public higher education to include tribal colleges and universities (TCUs) located in California and operated by an Indian tribal government, placing TCUs within the same statutory category as California Community Colleges (CCC), the California State University (CSU), and the University of California (UC).

ANALYSIS:

Existing law:

- 1) Defines, under federal law, Indian tribal government as the governing body of any tribe, band, community, or group of Indians, or (if applicable) Alaska Natives, as determined by the Secretary of the Interior, to exercise governmental functions. (Title 26, United States Code § 7701 (a)(40))
- 2) Establishes, under state law, the Donahoe Higher Education Act, which deems public higher education to consist of the CCCs, CSU and UC and sets forth their respective missions. (Education Code (EC) § 66010, et seq.)

- 3) Establishes, under state law, the California Private Postsecondary Education Act, which includes, for purposes of the Act, TCUs within the definition of “public higher education”. (EC § 94858.5 (b))

This bill expands, under the Donahoe Higher Education Act, the definition of public higher education to include TCUs located in California and operated by an Indian tribal government, thereby placing TCUs within the same statutory category as CCCs, the CSU, and the UC.

Comments

Need for the bill. According to the author, “California’s Tribal Colleges and Universities deserved to be recognized for their vital role in uplifting Native American students. These institutions serve as centers of identity, resilience, and opportunity that empower a historically underrepresented group to access and thrive in higher education. By including them in the Education Code, we affirm their importance within the state and lay the foundation for long-term planning that acknowledges the essential role these institutions will continue to play in California’s higher education landscape.”

Role of Tribal Colleges. A 2024 needs analysis prepared by California Indian Nations College (sponsors of this bill) as part of a feasibility study on tribal higher education in California describes TCUs as a unique higher education model developed to address longstanding access and retention challenges for Native American students. According to the report, tribal colleges emerged nationally to address access and success barriers experienced by Native students in traditional higher education settings, where institutions often lack culturally relevant academic support, Native faculty and mentors, and institutional structures that reflect Native student experiences and community connections. The report describes TCUs as serving functions beyond traditional academic instruction, including workforce development, language preservation, cultural continuity, and support for tribal self-determination. The report also cites evidence that Native students attending TCUs express stronger engagement and support than Native students in non-tribal institutions. For example, Native graduates of TCUs were stated to be twice as likely as peers in non-TCUs to report positive critical support measures during college.

As of 2023, there are 35 accredited TCUs in the country serving approximately 15,300 students. Responding to the higher education needs of Native students,

TCUs serve an important role in facilitating college access and persistence for Native students. According to the report, TCUs continue to struggle with a lack of stable federal support and the decline of private funding.

Academic achievement gaps. The 2024 needs analysis also identifies persistent access and achievement gaps for Native students across California's existing public higher education systems and frames those gaps as part of the rationale for tribal higher education expansion. At the access level, Native American students remain significantly underrepresented. According to the report, only 81 Native American students enrolled as first-time freshmen in the CSU system in Fall 2022, representing far less than 1% of total first-time freshman enrollment, Native American students represented .5% of total UC enrollment that same year.

The report also identifies outcome disparities once students enroll. In the CCCs, Native student outcomes in several regions fall below statewide averages across measures such as course success rate in first year, completion of transfer level English, and persistence to the following term. The Inland Empire/Desert region, identified in the report as one of the areas served by emerging tribal college efforts, showed the largest performance gaps statewide. At the university level, the report points to similar concerns regarding continuation, persistence, and graduation outcomes for students at CSU and UC campuses. The report also notes that Native American students in California have comparatively low bachelor's degree attainment rates, with about 16% holding a bachelor's degree or higher. The report attributes some of these outcomes to limited availability of culturally relevant services for students in traditional institutions and argues that TCUs are intended to address some of those barriers through a more culturally connected educational model. A stable California TCU system could potentially help address gaps in college access and student success for Native and non-native students, particularly in rural areas of the state.

California's Native American population. California has the largest Native American population in the nation, with approximately 330,000 Californians enrolled in federally recognized tribes, and that California is home to 109 federally recognized tribes roughly 20% of federally recognized tribes nationwide.

Practical effect? This bill essentially creates a fourth segment of public higher education to be considered in the same category as the CCC, CSU, and UC. The bill amends the foundational definition section of the Education Code for California's public higher education framework under the Donahoe Act, in placing tribal colleges there, it's unclear whether statutes written for California public

segments would, in turn, apply to tribal institutions. This change may raise broader structural questions, particularly around governance, tribal sovereignty and accountability. Each of California's public higher education systems operates within state-created governance structures while tribal institutions are chartered by their respective tribal governments. It is the intent of the sponsor of this measure that the bill's provisions do more than provide a symbolic recognition of TCUs rather act as a first step toward formal incorporation into accountability and regulatory structures applicable to California's public higher education systems. It seems reasonable for the state to formally acknowledge and recognize the important role TCUs located in California have in expanding access to higher education and serving tribal communities. Moving forward, the legislature may wish to consider how extending the same designation currently used for CCC, CSU, and UC would operate given the distinct governance structure of TCUs.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee analysis, this bill would have the following fiscal impact:

- The UC, CSU, and the Community College Chancellor's Office indicate that the bill would not result in additional costs to the segments. The TCUs would remain tribally governed institutions and separate from the segments' existing governance structures and funding formulas. However, staff notes that the placement of TCUs in the Donahoe Higher Education Act and its establishment as a fourth segment of higher education could potentially lead to additional General Fund cost pressures, such as providing General Fund support and unrestricted base increases, similar to what is currently provided to UC and CSU. These examples would require future legislative or budgetary action.

SUPPORT: (Verified 8/14/26)

California Indian Nations College (source)
California State University, Office of the Chancellor
Campaign for College Opportunity
City of Riverside
EdTrust-West
Habematolel Pomo of Upper Lake
Southwestern Community College District
University of California
Wilton Rancheria

OPPOSITION: (Verified 8/14/26)

None received

ASSEMBLY FLOOR: 76-0, 5/4/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Bennett, Caloza, Chen

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105
8/15/26 15:09:02

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