
SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

Bill No:	AB 7	Hearing Date:	July 9, 2025
Author:	Bryan		
Version:	July 3, 2025		
Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Postsecondary education: admissions preference: descendants of slavery.

NOTE: This bill has been referred to the Committees on Education and *Judiciary*. A “do pass” motion should include referral to the Committee on *Judiciary*.

SUMMARY

This bill authorizes, to the extent permitted by federal law, California public and private postsecondary educational institutions to consider providing a preference in admissions to an applicant who is a descendant of slavery.

BACKGROUND

Existing Federal law:

- 1) Provides that no state “shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” This article is also known as the *Equal Protection Clause*. (U.S. Constitution (USC), Article 14)
- 2) Provides that “the use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body is not prohibited by the Equal Protection Clause.” (*Grutter v. Bollinger*, 539 U.S. 306 (2003))
- 3) Prohibits the use of racial quotas in the admissions decisions, and provides that the use of race in admissions decision must be individualized, narrowly tailored, and cannot be decisive. (*Regents of the University of California v. Bakke*, 438 U.S. 265 (1978)) and *Gratz v. Bollinger*, 539 U.S. 244 (2003))
- 4) Decrees that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance except for specified circumstances including membership of fraternities and sororities. (20 USC Sections 1681-1688 (Title IX))
- 5) Prohibits discrimination on the basis of race, color, and/or national origin in programs and activities receiving federal assistance. (42 USC 2000d, et seq. (Title VI of the Civil Rights Act of 1964))

- 6) Prohibits discrimination in employment based on race, color, religion, sex or national origin and prohibits retaliation against employees who invoke their rights under Title VII of the Civil Rights Act of 1964. (42 USC 2000e (Title VII of the Civil Rights Act))

Existing State law:

- 1) Prohibits the State, in the operation of public employment, public education, or public contracting, from discriminating against or granting preferential treatment to any individual or any group on the basis of race, sex, color, ethnicity, or national origin. Stipulates the implementation is to comply with federal laws and the U.S. Constitution. Defines the "State" to include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the University of California (UC), California Community College (CCC) district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State. Stipulates that nothing in the section is to be interpreted as:
 - a) Prohibiting bona fide qualifications based on sex, which are reasonably necessary to the normal operation of public employment, public education, or public contracting;
 - b) Invalidating any court order or consent decree, which is in force as the effective date of the section; and,
 - c) Prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.

For the purposes of this section, the remedies available for violations of this section must be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing California antidiscrimination law.

Stipulates that this section must be self-executing. If any part or parts of this section are found to be in conflict with federal law or the U.S. Constitution, the section must be implemented to the maximum extent that federal law and the U.S. Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section. (California Constitution Article I § 31 (also known as Proposition 209))

- 2) Establishes the California State University (CSU), under the administration of the CSU Trustees, the UC, under the administration of the UC Regents of, the CCC, under the administration of the CCC Board of Governors, and independent institutions of higher education, as defined, as four segments of postsecondary education in the state. (Education Code (EC) § 66010.4, et seq.)
- 3) Stipulates that no person is to be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined, including immigration status. States the prohibition on the discrimination on the

basis of the listed characteristics is extended to programs or activities conducted by any postsecondary education institution that receives or benefits from, state financial assistance or enrolls students who receive state financial aid. (EC § 66270)

ANALYSIS

This bill:

- 1) Authorizes CSU, UC, independent institutions of higher education, and private postsecondary educational institutions to consider providing a preference in admissions to an applicant who is a descendant of slavery to the extent that it does not conflict with federal law.
- 2) Defines “descendant of slavery” to mean an individual who can establish direct lineage to a person who, before 1900, was subjected to American chattel slavery and meets at least one of the following criteria:
 - a) Was emancipated through legal or extralegal means, including self-purchase, manumission, legislative action, military service, or judicial ruling.
 - b) Obtained freedom through gradual abolition statutes or constitutional amendments.
 - c) Was classified as a fugitive from bondage under federal or state law.
 - d) Was deemed contraband by military authorities.
 - e) Rendered military or civic service while subject to legal restrictions based on ancestry historically associated with slavery.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “For decades, universities gave preferential admission treatment to legacy donors and their family members, while ignoring admission outcomes for applicants directly impacted by legacies of harm and exclusion. These intentional decisions have resulted in stark and measurable achievement differences that have documented ties back to slavery in the United States.

“AB 7 provides a legal mechanism for California's colleges and universities to address educational inequities tied directly to slavery and its lasting effects. By allowing institutions to consider an applicant's lineage as a factor in admissions decisions, the bill aims to increase institutional access for students who research has shown still experience the greatest educational attainment and achievement disadvantages.”

2) **Education attainment levels of Black students in the State.** The Campaign for College Opportunity released a report in February 2019, *State of Higher Education for Black Californians*. The report noted several facts, notably:

- California high schools graduate Black students at lower rates than all other racial/ethnic groups and have failed to address the significantly lower percentages of Black students who are offered and complete the college preparatory curriculum—a 17-percentage point gap in A-G completion between Black and White students exists.
- Of the 25,000 Black high school graduates in 2017, only 9,000 completed the coursework necessary to be eligible for California’s public four-year universities.
- CCC transfers only 3% of Black students within two years and only 35% within six years.
- Sixty-three percent of Black community college students do not earn a degree, certificate, or transfer within six years.
- Fifty-seven percent of Black freshmen at CSU do not complete a degree within six years, and only 9% do so in four years.
- Ninety-three percent of Black for-profit college students do not complete a degree within six years.
- Almost half of all Black students who attended college left without a degree.

Further, the California Task Force to Study and Develop Reparation Proposals for African Americans released its final report, commonly referenced as the California Reparations Report, on June 29, 2023. The report, in part, found that in recent years, the academic achievement gap between all student groups has steadily decreased, except for the gap between Black and White students, which has widened. The report contends said data point confirms the ongoing existence of “deeply-rooted racial disparities in the nation’s education system.” Additionally, the report found that there was a 60% decline in Black student enrollment at America’s most selective colleges and universities from the span of 2000-2020.

3) **Propositions 209 and 16.** On November 5, 1996, California voters passed (54.55%) Proposition 209, which, in part, eliminated the consideration of race, in public education admissions, regardless of long-standing practices institutions of higher education may have had in place.

Since 1996, there have been various legislative attempts to either repeal or reduce the scope of Proposition 209 on public contracting, public education, and public employment. Of the attempts, one successfully made it onto the ballot. In 2020, ACA 5 (Shirley Weber, Chapter 23, Statutes of 2020)—which became Proposition 16, sought to repeal the provisions of Proposition 209. Proposition 16

was deemed an opportunity for California to reintroduce affirmative action by allowing policymakers to consider race and gender—without quotas—when making decisions about contracts, hiring, and education to eliminate systemic discrimination and remedy past harm.

Proposition 16 failed with more than the majority (57.2%) of Californians voting to uphold the existing ban on discrimination and preferential treatment in State operations of public employment, public contracting, and public education.

- 4) **Recent Supreme Court decision has implications for private institutions.** In 2023, the U.S. Supreme Court determined the admissions programs at Harvard College and the University of North Carolina violated the equal protections clause of the 14th Amendment of the U.S. Constitution when colleges considered race as a criterion in admission decisions. The decision effectively ended affirmative action in college admissions at both public and private institutions across the U.S. with the exception of California, where Proposition 209 already prohibited the public university systems from using race as a criterion for admissions. However, the Proposition 209 restriction did not apply to California private colleges. The recent ruling now extends these restrictions to California private colleges that accept federal aid, significantly changing how diversity goals are pursued in admissions at those colleges. This bill is permissive—it authorizes institutions to consider giving preference in admissions to an applicant who is a descendant of slavery. The impact of this bill will depend on whether or how institutions choose to implement its provisions to the extent that it does not conflict with state or federal law.
- 5) **Holistic review.** The CSU system generally admits all students who are California residents that graduate from high school, meet grade point average requirements, and complete the A-G pattern of courses with a grade of C or higher for admission as a first-time freshman. The CSU authorizes campuses to use supplementary admission criteria or multifactor review to screen applications, which may consist of other factors such as being a first-generation college student and extracurricular involvement. At UC, applicants are evaluated using the Comprehensive Review process. Campuses use 13 selection criteria, based upon academic achievement, including grade point average in all completed A-G course pattern and others based on factors such as special talents and accomplishments, creativity, leadership, community service, and life experiences to make admissions decisions. Holistic review policies recognize multifactor including the value of considering personal hardships or life challenges in admissions. However, it is not clear whether specific factors have greater weight over others.
- 6) **Descendant status verification.** This bill does not specify how students would demonstrate eligibility or what documentation would be required. This Committee heard and approved SB 437 (Weber-Pierson, 2025) on March 26, 2025, which, among other things, requires the CSU to explore options for confirming an individual's descendant status and to establish a process for conducting genealogical research to confirm eligibility for reparative claims. Additionally, it requires that the CSU commence the work of establishing the process by the 2026–27 academic year. Recent amendments to SB 437 further clarify the

definition of “descendant of slavery.” Given that a potential verification process could be developed based on this definition, recent amendments incorporate it into this bill.

7) **Related and prior legislation.**

SB 437 (Weber-Pierson, 2025) authorizes up to \$6 million of funds appropriated in the 2024 Budget act for purposes of enabling CSU to conduct research to support the recommendations of the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States. It also requires that the CSU annually submit a report to the Legislature and Governor on pending and completed research projects along with a final report that includes recommendations for statewide implementation. SB 437 is pending in the Assembly Judiciary Committee.

AB 697 (Ting, Chapter 514, Statutes of 2019) in part, requires, by June 30 of each year from 2021 to 2024, the CSU Trustees, the UC Regents, and the appropriate governing bodies of each independent institution of higher education that is a qualifying institution as defined under the Cal Grant Program that provides preferential treatment in admissions to applicants with a relationship to donors or alumni, to annually report information about those admissions to the Legislature.

AB 2047 (Hernandez, 2010) would have authorized the CSU and the UC to consider geographic origin, household income, race, gender, ethnicity and national origin along with other relevant factors, in undergraduate and graduate admissions, and required and requested the CSU and UC, respectively, to report on the implementation of these provisions to the Legislature and Governor by November 1, 2012, as specified. AB 2047 was ultimately vetoed by the Governor, whose veto message read, in pertinent part:

“The UC and CSU systems are aware of and supportive of the important goal of student diversity and make every attempt through its comprehensive review admissions process. That process considers many of the factors contained in this legislation, but do so within current constitutional restrictions. The intent of this bill would be more appropriately addressed through a constitutional change of those current restrictions.”

ACA 23 (Hernandez, 2009) would have exempted public education institutions from the constitutional prohibitions established by Proposition 209 for the purposes of implementing student recruitment and selection programs at public postsecondary education institutions. The proposed constitutional amendment passed the Assembly Higher Education Committee by a vote of 6-1 in July 2009 and was referred to the Assembly Judiciary Committee, but was never heard.

AB 2387 (Firebaugh, 2004) would have authorized the UC and the CSU to consider culture, race, gender, ethnicity, national origin, geographic origin, and household income, along with other relevant factors, as specified, in

undergraduate and graduate admissions, so long as no preference is given. AB 2387 was vetoed by the Governor, whose veto message read, in pertinent part:

“The practical implementation of the provisions of this bill would be contrary to the expressed will of the people who voted to approve Proposition 209 in 1996. Therefore, since the provisions of this bill would likely be ruled as unconstitutional, they would be more appropriately addressed through a change to the State Constitution.”

SB 185 (Hernandez, 2011) stated the Legislature’s intent to authorize CSU and UC to consider race, gender, ethnicity and national origin, geographic origin, and household income, along with other relevant factors, in undergraduate and graduate admissions, as specified, and required the CSU and requested the UC to report on the implementation of these provisions to the Legislature and Governor by November 1, 2013, as specified. SB 185 was vetoed by the Governor whose veto message read:

“I wholeheartedly agree with the goal of this legislation. Proposition 209 should be interpreted to allow UC and CSU to consider race and other relevant factors in their admissions policies to the extent permitted under the Fourteenth Amendment of the United States Constitution. In fact, I have submitted briefs in my capacities as both Governor and Attorney General strongly urging the courts to adopt such an interpretation.

“But while I agree with the goal of this legislation, I must return the bill without my signature. Our constitutional system of separation of powers requires that the courts -- not the Legislature -- determine the limits of Proposition 209. Indeed, there is already a court case pending in the 9th Circuit against the State and the UC on the same issues addressed in this bill. Signing this bill is unlikely to impact how Proposition 209 is ultimately interpreted by the courts; it will just encourage the 209 advocates to file more costly and confusing lawsuits.”

AB1452 (Núñez, 2005) authorized the UC and CSU to consider race, ethnicity, national origin, geographic origin, and household income, along with other relevant factors, in undergraduate and graduate admissions, so long as no preference is given and such consideration takes place if and when the university, campus, college, school, or program is attempting to obtain educational benefit through the recruitment of a multi-factored, diverse student body. This bill was subsequently amended to address an unrelated subject.

SUPPORT

African American Community Service Agency
Bay Area Regional Health Inequity Initiative
Black Leadership Council
Cal Voices
California Association of Christian Colleges and Universities

California Black Power Network
California Faculty Association
California Pan - Ethnic Health Network
California-Hawaii State Conference of the NAACP
CFT - A Union of Educators & Classified Professionals, AFT, AFL-CIO
City of Alameda
Community Housing Development Corporation
Council on American-Islamic Relations California
Magdalena's Daughters
Prevention Institute
Santa Monica Democratic Club
Sonoma County Black Forum
Students Deserve
The Brotherhood of Elders Network
University of California Student Association
Western Center on Law & Poverty
Several individuals

OPPOSITION

None received

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