
THIRD READING

Bill No: AB 7
Author: Bryan (D), et al.
Amended: 7/3/25 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 5-2, 7/9/25
AYES: Pérez, Cabaldon, Cortese, Gonzalez, Laird
NOES: Ochoa Bogh, Choi

SENATE JUDICIARY COMMITTEE: 11-2, 7/15/25
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener
NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 54-17, 6/3/25 - See last page for vote

SUBJECT: Postsecondary education: admissions preference: descendants of
slavery

SOURCE: Author

DIGEST: 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.

ANALYSIS:

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.
 - i. 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.
 - ii. 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 (EDC) § 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. (EDC § 66270)

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.

Comments

- 1) *Need for this 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.
- 63% of Black community college students do not earn a degree, certificate, or transfer within six years.
- 57% of Black freshmen at CSU do not complete a degree within six years, and only 9% do so in four years.
- 93% 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. However related legislation, SB 437 (Weber-Pierson, 2025) requires, among other things, 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. The definition of “descendant of slavery” in this bill mirrors the definition included in SB 437. This alignment positions this bill to integrate with an emerging eligibility verification system, though details about the practical administration of this system remains unclear.

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

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

- The (CSU) estimates General Fund costs of about \$3.0 million for campuses to review and determine the appropriate documentation necessary to verify descendants of slavery and update admissions applications. This estimate assumes that all 23 campuses would elect to provide preferential admissions

to descendants, and that each campus would require one new position at a cost of \$130,104 each year to perform these duties.

- The (UC) estimates General Fund costs in the tens of thousands of dollars each year to verify descendants of slavery and update admissions applications. The UC also cites multiple pending lawsuits for its admissions practices and that the bill would likely be challenged in the courts. To the extent that the bill results in litigation involving UC as a party, it could add unknown but potentially significant General Fund costs in the high hundreds of thousands of dollars.

SUPPORT: (Verified 8/28/25)

ADOS Advocacy Foundation California Chapter
African American Community Service Agency
Bay Area Regional Health Inequity Initiative
Black Leadership Council
Board of Supervisors for the City and County of San Francisco
Cal Voices
California Association of Black Lawyers
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
City of Oakland
Community Housing Development Corporation
Council on American-Islamic Relations California
Culver City Democratic Club
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

7 Individuals

OPPOSITION: (Verified 8/28/25)

None received

ASSEMBLY FLOOR: 54-17, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Pellerin, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff

Gonzalez, Hadwick, Hoover, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Alanis, Bains, Bauer-Kahan, Irwin, Lackey, Patel, Petrie-Norris, Schiavo

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8/29/25 20:24:07

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