

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2845 (Robert Rivas) – As Amended April 15, 2024

SUBJECT: Migrant education: California Mini-Corps program and currently migratory children

SUMMARY: Codifies the existing California Mini-Corps program for migrant students, and requires that the California Department of Education (CDE) to annually post information on the enrollment of migrant students. Specifically, **this bill:**

- 1) Codifies the existing California Mini-Corps program (CMC), to do both of the following:
 - a) Provide a statewide supplemental instructional program to serve the academic needs of migrant students in kindergarten through grade 12; and
 - b) Support the state’s educator workforce needs by providing teaching experience to bilingual and formerly migrant college students interested in pursuing a teaching credential.
- 2) Requires the CDE to do all of the following:
 - a) Through a competitive grant process, annually select one county office of education (COE) to administer the program for the next fiscal year.
 - b) Ensure that the sites selected are located in geographical regions that serve high concentrations of migrant students.
 - c) Adopt criteria for the selection of program sites, including, but not limited to, all of the following:
 - i) A demonstrated capacity and commitment to support the academic success of migrant students by training tutors in instructional practices and cultural competencies to meet the needs of migrant students and supporting tutors during their participation in the program.
 - ii) A demonstrated commitment to bilingual and multilingual education and bilingual teacher development by doing both of the following:
 - 1) Establishing partnerships with teacher preparation programs, including integrated programs of preparation, if available, that provide a pathway for all interested tutors to work toward obtaining a teaching credential.
 - 2) Informing tutors of financial aid programs to support them in obtaining a teaching credential and bilingual authorization, including the Golden State Teacher Grant Program and the Bilingual Teacher Professional Development Program.

- iii) A demonstrated capacity to provide data and other information regarding the implementation of the program, as required by the CDE.
 - d) On or before December 1 of each year, provide a report to the Legislature and the Department of Finance that includes both of the following:
 - i) The number of migrant students served by the program statewide and disaggregated by site for the prior fiscal year; and
 - ii) The number of tutors from the prior fiscal year's cohort who subsequently enrolled in an educator preparation program or subsequently earned a preliminary teaching credential.
- 3) Requires a COE that is selected to do both of the following:
- a) Operate not less than 20 program sites at institutions of higher education for the purposes of providing tutoring programs to migrant students during the school year; and
 - b) Offer a summer outdoor education program and a summer indoor institute.
- 4) Requires the Commission on Teacher Credentialing (CTC), on or before July 31 of each year, to report to the CDE the number of tutors from the prior fiscal year's cohort who subsequently enrolled in an educator preparation program or subsequently earned a preliminary teaching credential.
- 5) Requires that the program be implemented in a manner that is consistent with applicable law and regulations governing the federal Migrant Education Program (MEP).
- 6) Requires that funds allocated for purposes of this section supplement, and not supplant, any federal funds or resources provided for this program.
- 7) Requires the CDE, using data collected pursuant to applicable federal law, to annually report on its website the total number of currently migratory children enrolled in schools, both statewide and disaggregated by school district, COEs, and charter schools.
- 8) Defines "currently migratory child," for purposes of the program, to have the same meaning as in existing state law.
- 9) States the intent of the Legislature that, commencing with the 2024–25 fiscal year, the annual Budget Act provide sufficient funding to support the restoration of programs that have been closed in the last five years due to a lack of funding, and to support a cost-of-living adjustment for tutor stipends.

EXISTING LAW:

State Law

- 1) Defines "currently migratory child" as a child who has moved with a parent or guardian from one school district to another, either within the State or from another state, within the 12-

month period immediately preceding his or her identification as such a child. Includes a child who has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity. (Education Code (EC) 54441)

- 2) Authorizes a child to be identified as a “migrant child”, with the concurrence of the child’s parent, for a period no longer than three years, during which the child resides in an area where programs are provided for migrant children. (EC 54441.5)
- 3) Authorizes the Superintendent of Public Instruction (SPI) to enter into agreements or cooperate with other states or agencies of the state or the federal government in providing or coordinating services to migrant children, including the Mini-Corps Program. (EC 5444)
- 4) Requires the State Board of Education (SBE) to adopt a state master plan for services to migrant children that includes instructional activities on a regular and extended year basis designed to provide treatment of academic deficiencies, health and welfare services, preservice and in-service education of personnel to meet the special needs of migrant children, support services such as transportation and family liaisons, other services necessary to the success of the programs, and child development activities for infants and prekindergarten children. Requires the active involvement of parents, teachers, and community members in the implementation of migrant education programs. (EC 54442)
- 5) Requires migrant education programs to include content such as an individual assessment of the educational and relevant health needs of each participating pupil, a general needs assessment developed in compliance with federal requirements, a comprehensive program to meet the educational, health, and related needs of participating pupils, and acquisition of instructional materials and equipment to provide appropriate services. (EC 54443.1)
- 6) Extends specified educational rights, including exemptions from local graduation requirements and enrollment in a fifth year of instruction to complete graduation requirements, to specified migrant students. (EC 51225.1)
- 7) Authorizes up to two local educational agencies (LEAs) to receive funding for average daily attendance (ADA) to provide an extended school year to serve qualifying pupils of migrant agricultural workers and migratory pupils, commencing on January 1, 2024. (EC 41601.6)

Federal Law

- 8) Defines a migratory child as one whose parent made a qualifying move in the preceding 36 months as a migratory worker within the agricultural or fishing industry or moved with or to join a parent or spouse who is employed in one of the stated fields of work. (Title 34, Code of Federal Regulations (CFR), 200 et seq.)
- 9) Authorizes the MEP, under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). (Title 34, CFR, 200 et seq.)
- 10) Authorizes the MEP by Part C of Title 1, which is designed to support high quality and comprehensive educational programs for migrant children to help reduce the educational disruption and related issues from repeated moves. (Title 34, CFR, 200 et seq.)

- 11) Authorizes the MEP to assist states in supporting high quality and comprehensive educational programs and services during the year, and during summer or intersession periods, that address the educational needs of migratory children. (Title 34, CFR, 200 et seq.)
- 12) Authorizes the MEP to ensure migrant students who move among the states are not penalized by disparities among the states in curriculum, graduation requirements, and academic standards. (Title 34, CFR, 200 et seq.)
- 13) Authorizes the MEP to help migratory children overcome educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that inhibit the ability of such children to succeed in school. (Title 34, CFR, 200 et seq.)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “Migrant students often struggle academically, due to high mobility, and require targeted and specialized instructional support to meet their needs. Since 1967, the California Mini-Corps Program has provided critical academic tutoring to migrant students. The program reinforces California’s efforts to recruit and support a diverse educator workforce by creating an opportunity for tutors to become future bilingual teachers. AB 2845 enhances accountability and provides stability so that the program can continue to support aspiring bilingual teachers in regions throughout the state that serve a significant portion of migrant students.”

California Migrant Mini-Corps program. Modeled after the federal Peace Corps program, the CMC program was established in 1967 to recruit college students with migrant backgrounds to work as teacher assistants in summer school programs serving migrant students. The program expanded to serve students during the school year in 1974. The program has two primary goals:

- 1) Provide supplemental instructional tutorial services to increase migratory students’ academic achievement through a cohort of trained college tutors; and
- 2) Develop a cohort of future bilingual-bicultural credentialed teachers who will be better equipped to work with migratory students and to understand the needs of English learner students (ELs).

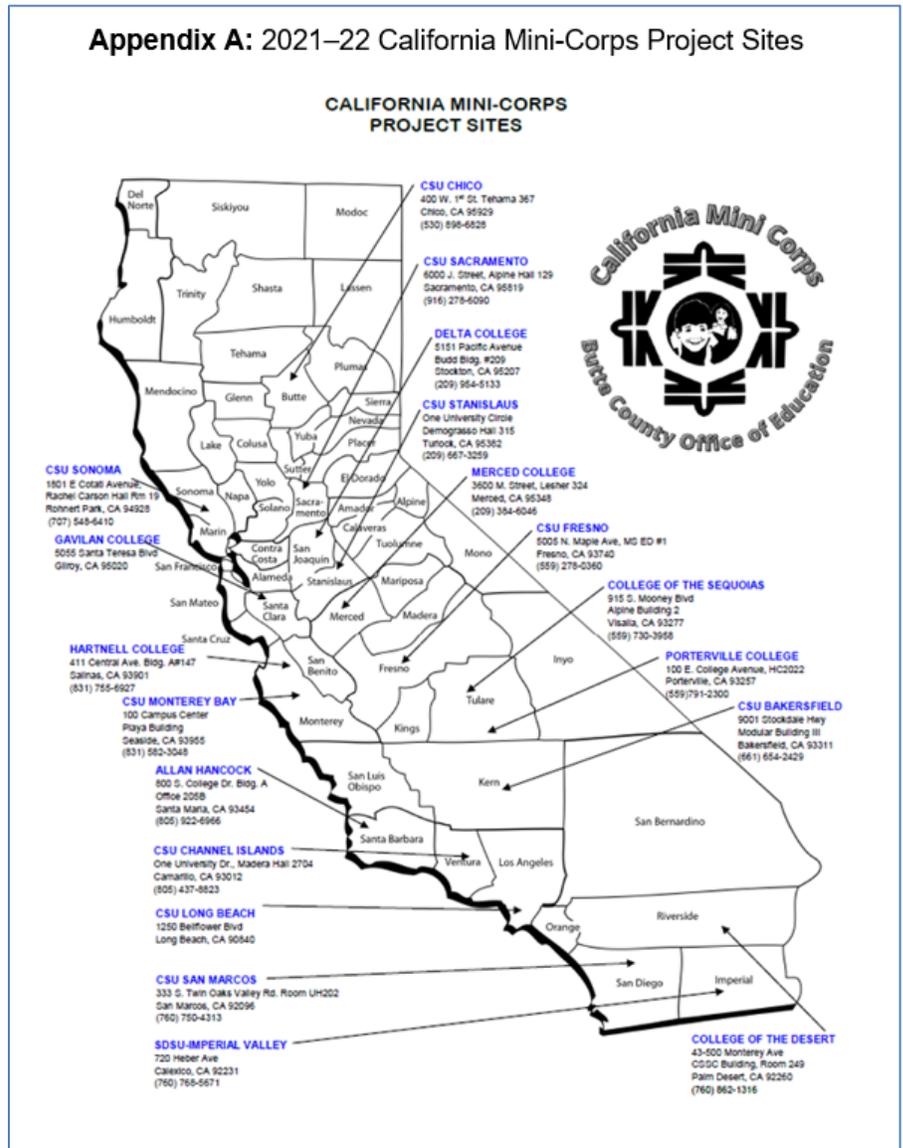
Since 1967, the CDE has partnered with the Butte County Office of Education (BCOE) to implement the CMC. The program annually provides educational support to over 5,000 migrant students and introduces over 400 college tutors from across the state to careers in education. These tutors also serve as role models for migrant students.

According to the CDE, to implement the goal of providing supplemental instructional tutorial services, the BCOE contracts with 19 colleges and universities statewide to recruit and hire 14–18 college students per site to work as tutors in transitional kindergarten through grade twelve classrooms. The BCOE also hires a coordinator for each college site who places students in local schools under the supervision of master teachers. The local coordinator 1) collaborates with local CDE MEP regions and direct-funded districts, 2) identifies migratory students who are below proficient for potential tutoring, 3) identifies master teachers, and 4) provides tutors with

tutoring skills to address deficiencies in foundational skills in language arts (phonemic awareness, decoding, phonics, vocabulary development, etc.) and mathematics.

To address the second goal, the development of a cohort of future bilingual credentialed teachers, coordinators are charged with the following tasks:

- Recruit and prioritize tutors who are former migratory students or have experiential knowledge of the migratory student lifestyle, are bilingual, and express interest in pursuing a career in teaching;
- Provide support and guidance to register for and pass teaching entrance exams;
- Provide support and guidance to enroll in teacher preparation programs;
- Introduce and assist with teaching credential program requirements; and
- Develop partnerships with staff at the schools/education departments at their college sites to include tutors in workshops or other relevant training and recruiting opportunities.



In 2020–21, the monthly statewide average total of employed tutors was 297, with an average of 15 tutors per site. Tutor hiring is continuous throughout the year, and tutor counts vary slightly from month to month because of college students’ class schedules and other college priorities. The unduplicated number of tutors hired in 2020–21 was 453. Of the 453 tutors hired, 147 were college seniors.

CMC program contributes to a diverse teaching pool in a high need area. The CDE reports that of the 147 identified seniors in the 2020–21 CMC cohort, 47 obtained a clear or preliminary

teaching credential. Of those 47 individuals, 21 obtained their bilingual authorization along with their clear or preliminary teaching credential and are therefore authorized to teach in bilingual schools. The CDE reports:

- 32% percent of identified seniors from the 2020–21 cohort obtained a clear or preliminary teaching credential;
- 14% of identified seniors from the 2020–21 cohort obtained their bilingual authorization; and
- 45% of identified seniors from the 2020–21 cohort who earned a teaching credential also obtained their bilingual authorization.

Rising costs pose challenges to the operation of the CMC. Founded nearly 60 years ago, the CMC is one of the oldest continuously operating education programs in California. The CMC is supported with federal funds, and has not received regular cost-of-living adjustments (COLAs). In spite of the program’s success in both serving students and producing bilingual teachers with personal experience as migrant students, rising costs over time have forced the closure of three CMC sites.

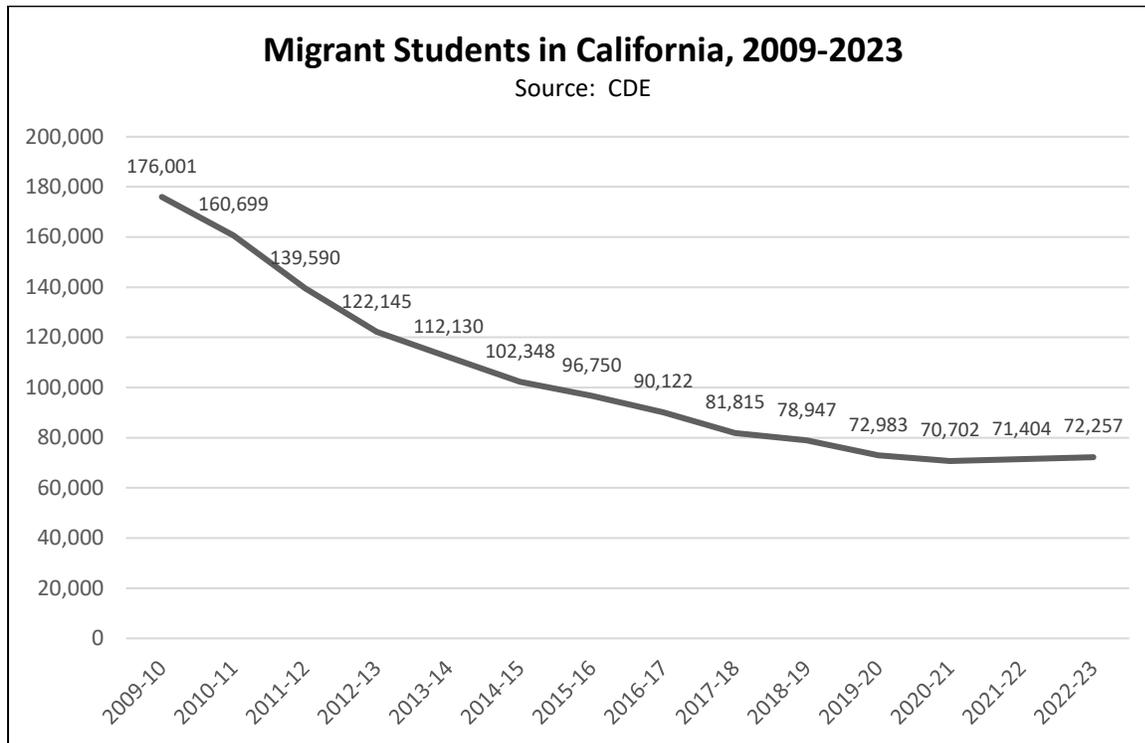
This bill states the intent of the Legislature that, commencing with the 2024–25 fiscal year, the annual Budget Act provides sufficient funding to support the restoration of programs that have been closed in the last five years due to a lack of funding, and to support a COLA for tutor stipends.

Migrant students in California. According to the CDE, California is home to the largest number of migrant students in the country. One in three migrant students in the U.S. resides in the state.

CDE notes that as families relocate in search of qualifying work in agriculture, dairy, and fishing, students face challenges completing high school graduation requirements and often miss key instructional periods, assessment windows, and opportunities to make friends and join extra-curricular activities. In addition to the instructional and social challenges caused by repeated moves, CDE notes that migrant children often live in extreme poverty, which can lead to significant health disparities which in turn affect educational outcomes.

Notable decline in the number of migrant students in California seems to be stabilizing. As the graph below illustrates, there has been a marked decline in the number of migrant students in California in recent years, from 176,001 students in the 2009-10 school year to 72,257 in the 2022-23 school year. According to the CDE, this downward trend is consistent across all age groups of migrant students, with the largest population decline among out-of-school youth ages 19 to 21 years old.

Several factors that have been offered as possible explanations for this decline, including: the aging of the farmworker workforce, improved employment opportunities in Mexico, automation of farm work, immigration policy and political climate, increased residential stability of farmworker children (in which one adult family member may migrate for work while the children remain with other family members, which may affect identification as a migrant student).



Source: California Department of Education

Educational outcomes for migrant students. Longitudinal data on migrant students is not available, and since students are limited to three years of eligibility, they may move in and out of migrant status over the course of their education, posing challenges for data collection and analysis. However, the following data, made available by the CDE, reveals significant disparities in educational outcomes. Unless otherwise noted, these data are related to students who meet the definition of a “currently migratory” student:

- In the 2022-23 school year, 24% of migrant students met or exceeded standard in English Language Arts compared to 47% for all students.
- In the 2022-23 school year, 15% of migrant students met or exceeded standard in Mathematics compared to 35% for all students.
- In the 2022-23 school year, 12% of migrant students met or exceeded standard in Science compared to 30% for all students.
- The 4-year cohort graduation rate for migrant students in 2020-21 was 79% for migrant students compared with 84% for all students.
- In the 2022-23 school year, 13% of migrant students who were ELs tested proficient on the state’s assessment of English language development (ELD), compared to 16.5% for all ELs.
- The dropout rate for migrant students in the 2019-20 school year was 11.2% compared with the statewide dropout rate of 8.9%.

- The chronic absenteeism rate for migrant youth in the 2020-21 school year was 17.7% while the statewide rate for all students was 14.3%.
- 81,815 youth between the ages of 3-21 were identified as migratory youth for the 2017-18 school year of which 31,855 were also identified as EL during the school year, with Spanish as the main home language. The chart below illustrates the higher concentration of migratory youth classified as EL in early elementary grades.

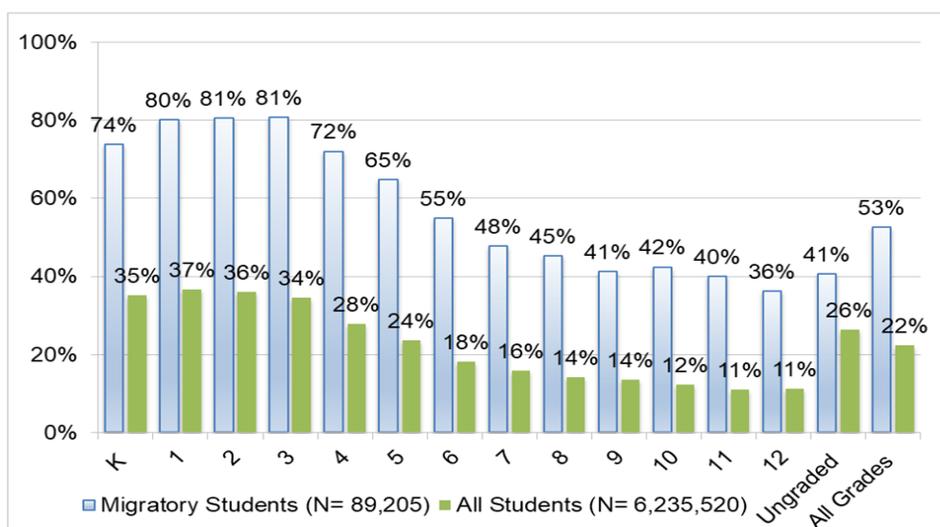


Figure: Percent of Students Who Are English Learners, by Grade, Migratory and All Students, 2014–15

Source: Migratory Student Profile, 2017, California Department of Education

Educational challenges for migrant students. Research (Free, 2014) has found that migrant students face five major challenges that negatively impact their education and social mobility: 1) cultural barriers, including language and students' and parents' knowledge, interactions and involvement with school; 2) challenges related to family and care, such as parental absence and working conditions, family structure, children's care responsibilities for younger siblings; 3) material needs, especially poverty, hunger, housing, underage child labor, transportation, and health issues; 4) educational challenges as a result of students' migratory lifestyles, lack of school supplies and teachers' lack of knowledge about and attitudes towards migrant students; and 5) hardships related to undocumented legal status. The combination of these adversities result in practical, physical, social, and emotional consequences that adversely affect their education.

The need to follow employment opportunities within the agricultural industry is dependent on the season as well as the productivity of the crops the families are helping to harvest. Children of migrant families may end up enrolling in a school towards the end of one year and leaving the school early the next school year. They may not be able to maintain relationships with peers or participate in extracurricular activities due to the timing of the students' enrollment. Schools may not have updated records of the student's credits and transcripts, resulting in students not being placed in appropriate courses, which can lead to students disengaging from school or not graduating.

Numerous studies indicate that student mobility is associated with poor educational outcomes. One meta-analysis (Mehana, 2004) on the effects of school mobility on reading and math achievement in the elementary grades found the equivalent of a 3–4 month performance disadvantage in achievement. Another study (Reynolds, 2009) found that frequent mobility was

associated with significantly lower reading and math achievement by up to a third of a standard deviation, and that students who moved three or more times had rates of school dropout that was nearly one-third of a standard deviation higher than those who were school stable. One longitudinal study (Temple, 1999) found that half of the one-year difference between mobile and non-mobile students could be attributed to mobility, and that it is “frequent, rather than occasional, [that] mobility that significantly increases the risk of underachievement.” Another longitudinal study (Herbers, 2014) found that students who experience more school changes between kindergarten and twelfth grade are less likely to complete high school on time, complete fewer years of school, and attain lower levels of occupational prestige, even when controlling for poverty. Results of this study indicated more negative outcomes associated with moves later in the grade school career, particularly between fourth and eighth grades.

Migrant Education Program. The MEP is a federal program, which provides grants to support high quality, comprehensive educational programs and services during the school year and school breaks throughout the school calendar to support the needs of migratory youth 3-21 years of age. The California MEP sets out the administrative framework for delivering MEP services through regional offices. The purpose of the MEP is to:

- 1) Assist states in supporting high quality and comprehensive educational programs during the school year and, as needed, during summer or intersession periods;
- 2) Ensure migratory youth who move among the states are not penalized by disparities in curriculum, graduation requirements, and state academic standards;
- 3) Help migratory children overcome educational disruption, cultural and language barriers, various health-related problems, social isolation, and other factors that inhibit their ability to succeed in school;
- 4) Ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet; and
- 5) Help migratory children benefit from State and local systemic reforms.

The MEP require a children to be identified as “migratory” if the parent is a migratory worker in the agricultural, dairy, lumber, or fishing industries and has moved during the past three years. Moving from one residence to another or across school district boundaries due to economic need can be considered a “qualifying” move. Young adults may also qualify if they move on their own within the past three years to engage in or pursue eligible employment. Eligibility is established through an interview conducted by a Migrant Education recruiter who visits both the home and employment locations where migrant workers are employed. California law includes a priority for students who have made a qualifying move within the previous one-year period and who are failing, or are most at risk of failing to meet state academic standards, or who have dropped out of school.

In California, the MEP offers supplemental educational services through a network of 15 COEs and 212 school districts. Twenty-four regional programs work in collaboration with nearby school districts to provide services to the various ages, grades, and academic needs of migrant youth. They range from prekindergarten through high school graduation requirements. The services are may be offered as after school programs, throughout intersession school breaks (including summer), and, at times, on weekends.

Academic services provided by the MEP are supplemental and remedial in nature. The CDE reviews applications and awards over \$120 million in federal funds to the subgrantees, which operate the programs that serve migrant students. The State Service Delivery Plan (SSDP) identifies the state priorities and requires subgrantees to provide services to preschool children, instructional intervention programs on English language arts and mathematics, instructional programs to support high school graduation, educational and support services for out-of-school youth, and support services to assist with parental involvement and health-related needs, such as dental services, vision needs, and other social welfare needs.

To address the federal requirements, each state is required to develop an SSDP that identifies the targeted program service areas and measurable outcomes. In California, the SSDP requires services to address needs in the following areas: preschool, English language arts, mathematics, out-of-school youth (OSY), high school graduation, and parental involvement.

Migrant extended year program. Recently enacted legislation, AB 1777, Chapter 483, Statutes of 2022 authorizes up to two LEAs to request authorization from the CDE, beginning in 2024, that serve children of migrant agricultural workers who are enrolled in transitional kindergarten through sixth grade to provide an extended school year program and to collect ADA funding between the period when an LEA's academic school year ends and before the start of the subsequent school year. The funds are to be used to provide access to a standard program of instruction that is equivalent to the regular academic year. According to the CDE, there were no applicants for this opportunity. CDE cites potential conflicts with the federal MEP as one reason why LEAs did not apply.

Recommended Committee Amendments. Staff recommends that the bill be amended to:

- Change a reference from tutor stipends to tutor compensation.
- Strike a reference to a competitive grant process in designating a COE to administer the program.
- Add to the intent language the goal of increasing the number of tutors the program supports.
- Technical and conforming changes.

Arguments in support. Californians Together writes, "A critical barrier to the expansion of bilingual programs is the bilingual teacher shortage. This bill, by addressing the bilingual teacher shortage, will help California to be a national leader in bilingual education and catch up to other states. According to 2021-22 data from the US Department of Education, just 9 percent ELs attended a dual language immersion program, considerably less than Texas (19 percent) and Illinois (14 percent). If we are to truly lead the nation and ensure that our multilingual students have the opportunity to attend a bilingual program, then meeting the bilingual teacher pipeline needs is of utmost importance. Raising strong bilingual children will keep California an economic powerhouse and cultural lighthouse in our nation."

Related legislation. AB 1777 (Aguiar-Curry), Chapter 483, Statutes of 2022, authorizes up to two LEAs to receive ADA funding to provide an extended school year to serve qualifying pupils of migrant agricultural workers and migratory pupils, commencing on January 1, 2024.

AB 1319 (Arambula and Bonta), Chapter 458, Statutes of 2019, requires LEAs to allow migrant students to continue their education in their school of origin, and requires that a migrant student be immediately enrolled in a new school.

AB 2121 (Caballero), Chapter 581, Statutes of 2018, extends to migrant students and students enrolled in newcomer programs certain rights currently afforded to other groups of highly mobile students regarding exemptions from local graduation requirements and acceptance of partial credit, and clarifies that these requirements apply to charter schools.

AB 192 (Medina), Chapter 78, Statutes of 2017, modified meeting and reporting requirements for the State Parent Advisory Council (SPAC) of the MEP.

AB 275 (Alejo) of the 2015-16 Session, would have made changes to the meetings of the SPAC, and other changes to the MEP. This bill was held in the Assembly Education Committee.

SB 331 (Romero), Chapter 274, Statutes of 2010, reduced the number of years a child may be deemed a migrant child from 5 years to 3 years, deleted provisions regarding service priorities, required that priority for services be consistent with federal law, and expanded the scope of a status report produced by the SPAC.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Bilingual Education
California Federation of Teachers
California Federation of Teachers
Californians Together
Center for Equity for English Learners, Loyola Marymount University
Sobrato Early Academic Language
UnidosUS
Unite-LA

Opposition

None on file

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