

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 1319 (Bonta) – As Amended March 14, 2019

**SUBJECT:** Migrant education: student residency

**SUMMARY:** Requires local educational agencies (LEAs) to allow migrant students to continue their education in the school of origin, regardless of any change of residence during that school year, and requires that a migrant student be immediately enrolled in a new school. Specifically, **this bill:**

- 1) Requires an LEA (defined as a county office of education, school district, or charter school) which enrolls a migrant student (migrant student) to either:
  - a) Allow the student to continue their education in the school of origin, regardless of any change of residence of the migrant student during that school year, for the duration of the student's status as a student who is a migrant student, or
  - b) Comply with either of the following for a student whose status changes as a student who is a migrant student during a school year, as applicable:
    - i. If the student is enrolled in kindergarten or any of grades 1 to 8, inclusive, allow the student to continue their education in the school of origin through the duration of that academic school year.
    - ii. If the child is enrolled in high school, allow the student to continue their education in the school of origin through graduation.
- 2) To ensure that a student who is a migrant student has the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts, requires the following:
  - a) If the student who is a migrant student is transitioning between school grade levels, the LEA must allow the student who is a migrant student to continue in the school district of origin in the same attendance area.
  - b) If the student who is a migrant student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the LEA must allow the student who is a migrant student to continue to be enrolled in the school designated for matriculation in that school district.
- 3) Requires the new school to immediately enroll the student who is a migrant student even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including records or other proof of immunization history, proof of residency, other documentation, or school uniforms.

- 4) States that, unless otherwise required by federal law, the act does not require an LEA to provide transportation services to allow a student to attend a school.
- 5) Defines “student who is a migrant student” to mean a child who has moved with a parent, guardian, or other person having custody, from one school district to another, either within California or from another state within the 12-month period immediately preceding his or her identification as such a child, in order that the child, a parent, guardian, or other member of his or her immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. “Currently migrant student” includes a child who, without the parent or guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
- 6) Defines “school of origin” to mean the school in which the student is enrolled at the time that a change in residence occurs.

**EXISTING LAW:**

- 1) Requires school districts to exempt students in foster care, those who are homeless, students who transfer from juvenile court schools, and students from military families who transfer between schools any time after the completion of the students’ second year of high school from all coursework and other requirements that are in addition to state graduation requirements, unless a school district makes a finding that a student is reasonably able to complete the school district’s graduation requirements in time to graduate from high school by the end of the student’s fourth year of high school.
- 2) Requires a school district or a county office of education to accept coursework satisfactorily completed in another school by a migratory student even if the student did not complete an entire course, and requires that a student be issued full or partial credit for work completed.
- 3) Defines a “currently migrant student” to mean a child who has moved with a parent, guardian, or other person having custody, from one school district to another, either within the California or from another state within the 12-month period immediately preceding his or her identification as such a child, in order that the child, a parent, guardian, or other member of his or her immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services.
- 4) Defines “a former migrant student” to mean a child who was formerly eligible to be counted and served as a currently migrant student within the past five years but who is no longer a currently migrant student, who lives in an area served by a federal Migrant Education project, and whose parents have been informed of the child’s eligibility for migrant education services but have not removed the child from the program.
- 5) Limits the designation of a student as a “migrant child” to three years during which the child resides in an area where programs are provided for migrant children.

- 6) Requires that, at the initial detention or placement, or any subsequent change in placement of a foster child, the LEA serving the foster child must to continue his or her education in the school of origin for the duration of the jurisdiction of the court.
- 7) Requires that, if the jurisdiction of the court is terminated before the end of an academic year, the LEA allow a former foster child who is in kindergarten or any of grades 1 to 8, inclusive, to continue his or her education in the school of origin through the duration of the academic school year.
- 8) Requires that, if the jurisdiction of the court is terminated while a foster child is in high school, the LEA allow the former foster child to continue his or her education in the school of origin through graduation.
- 9) Requires school districts to exempt a student of a military family who transfers between schools any time after the completion of the student's second year of high school from all coursework and other requirements that are in excess of state graduation requirements, unless the school district makes a finding that the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- 10) Requires a school district or a county office of education to accept coursework satisfactorily completed by a student of a military family while attending another public school even if the student did not complete the entire course, and requires that the student be issued full or partial credit for work completed.
- 11) Establishes the Interstate Compact on Educational Opportunity for Military Children (Compact). The Compact states that a transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis, who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.
- 12) Prohibits a school district of residence from prohibiting the transfer of a student who is a child of an active military duty parent to a school in any school district, if the school district to which the parents of the student applies approves the application for transfer.
- 13) Provides that a student has complied with residency requirements for school attendance in a school district if the student satisfies one of the specified requirements for school attendance in a school district if the student's parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

**FISCAL EFFECT:** This bill has been keyed possible a state mandated local program by the Office of Legislative Counsel.

**COMMENTS:**

***Need for the bill.*** The author's office states: "Migrant students are among the most educationally disadvantaged students in the country. The conditions associated with their migratory status impose multiple obstacles to their educational achievement. For example, some

migrant students change schools almost every year depending where their families relocate to find work. As a result, these students experience educational disruptions that make it difficult to complete high school graduation requirements, and are more susceptible to missing vital instructional periods, assessment windows, and opportunities to make friends or join extracurricular activities.

No existing law addresses the educational stability of migratory students, whereby the state requires that local education agencies require that migratory students are permitted to complete the duration of their current school year at the same school regardless of changes in residence.”

This measure extends to migrant students the rights currently afforded to other highly mobile student groups, such as students in foster care, students who are homeless, students from military families, and students who are transitioning from juvenile court schools.

***Effect of mobility on academic outcomes.*** As noted below, 27% of California migrant students experienced at least one change in school district during the 2016-17 school year.

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 (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, mobility that significantly increases the risk of underachievement.” And 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 grade.

Frequent moves can also reduce students’ feelings of school connectedness, a factor which influences educational outcomes. Data from the California Healthy Kids Survey also indicate lower levels of school connectedness among migrant students. The CDE reports that in 2015-16 migratory students in both middle and high school are approximately 10 percent less likely to report a “High” feeling of school connectedness than their non-migratory peers.

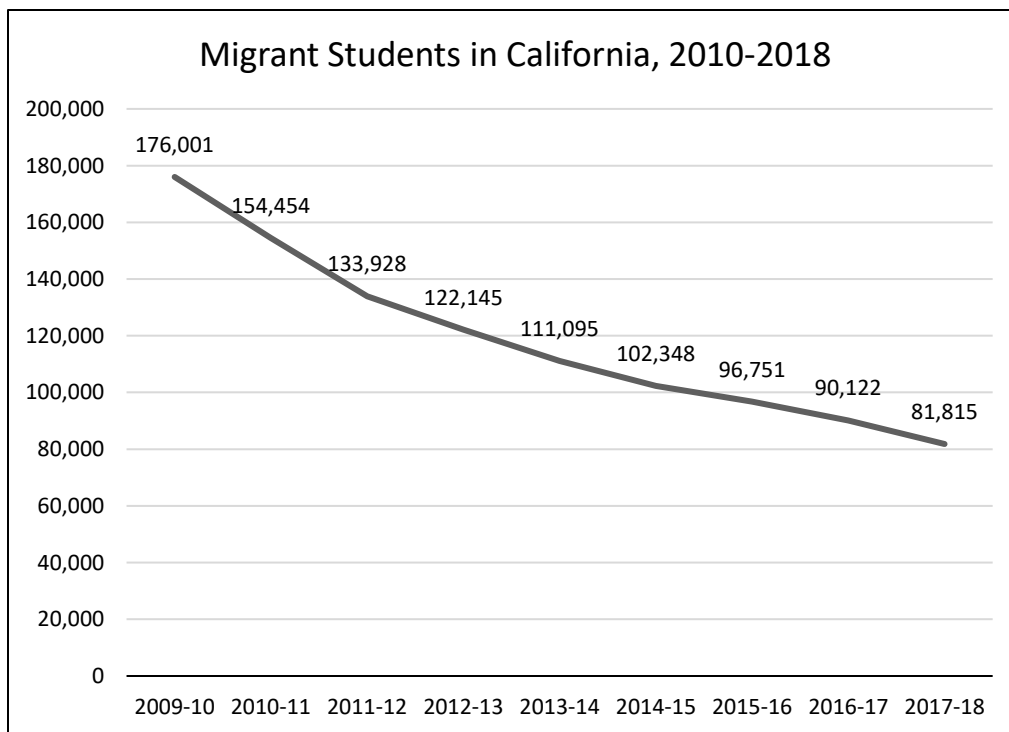
***Unique challenges facing migrant students.*** Research (Free, 2014) identifies challenges specific to migrant students that may adversely affect their education and social mobility: 1) cultural barriers, including language and communication and students’ and parents’ knowledge, interactions and involvement 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 and other family issues; 3) material needs, especially poverty, hunger, housing, underage child labor, transportation, and health issues; 4) educational challenges as a result of students’ migratory lifestyles, mobility, lack of school supplies and teachers’ lack of knowledge about and attitudes towards migrant students; and 5) hardships related to undocumented legal status.

***Migrant students in California.*** According to the California Department of Education (CDE), California was home to 81,815 migrant students in the 2017-18 school year. California has the largest number of migrant students in the country, and one in three migrant students reside in the state.

CDE notes that as families relocate in search of qualifying work such 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.*** 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 81,815 in the 2017-18 school year.

This represents a decline of 54% since 2009-10. According to the CDE, this downward trend is consistent across all age groups of migrant students, with the largest population declines among out-of-school youth ages 19 to 21 years.



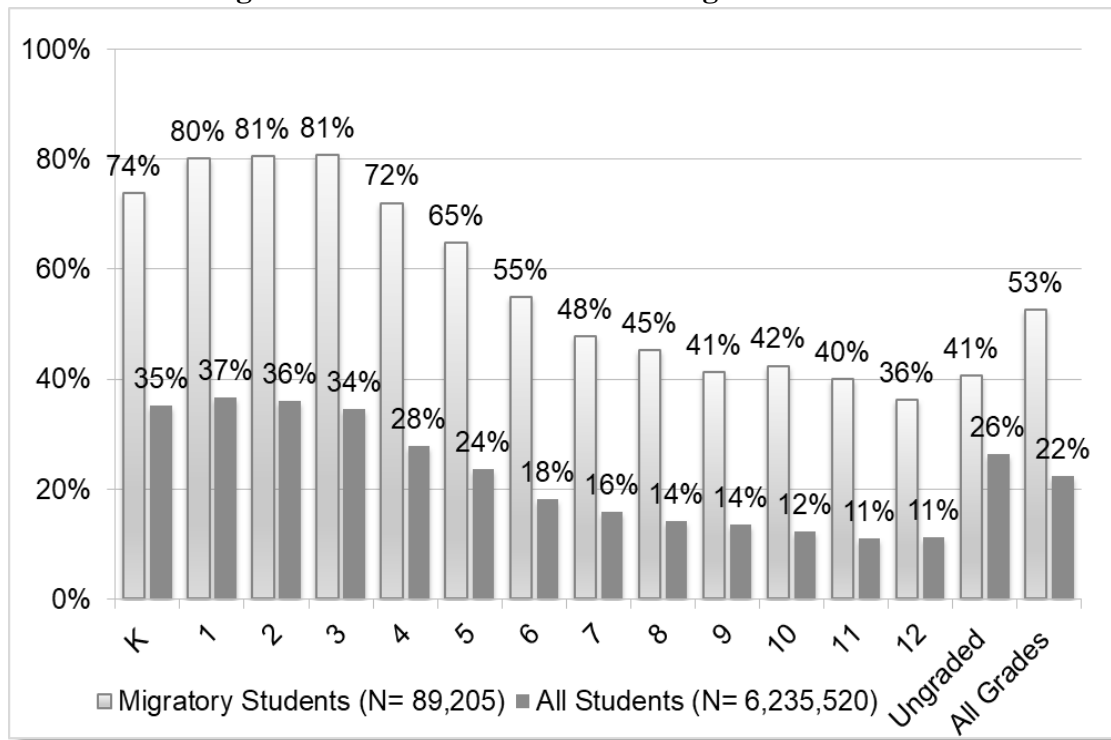
Source: California Department of Education

There are a number of 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).

***Educational outcomes of migrant students.*** Longitudinal data on migrant students is not available, and since students are limited to three years of eligibility, students 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, reveal disparities in educational outcomes. Unless otherwise noted, these data are related to students who meet the definition of a “currently migratory” student:

- In 2016-17, California schools enrolled 90,122 current migrant students in the state, a decline from 102,348 in 2014-15.
- In 2016-17, 54% of California migrant students were classified as English learners (see table below).
- 27% of migrant students experienced at least one change in school district during the 2016-17 school year.
- In 2018 the four year cohort dropout rate for migrant students was 10.5%, compared to 9.6% in the general population.
- In 2018 the suspension rate for migrant students was 4%, compared to 3.5% for students overall.
- In 2018, the chronic absenteeism rate for migrant students was 9.1%, compared to 11.1% for students overall.
- In 2018, the four year adjusted cohort graduation rate for students in migrant education programs was 81.7%, compared to 83% for all students.
- In 2016-17, 74% of migrant students scored as not meeting standards in English language arts (compared to 53% of the general population), and 81% were not meeting standards in mathematics (compared to 62% for all students) on state assessments.
- On the 2014–15 and 2015–16 California Assessment of Student Performance and Progress (CAASPP), migratory students were more likely to perform below other students and socio-economically disadvantaged (SED) students across all grade levels in English language arts (ELA) measures. Migratory Students were consistently less likely than other students and SED students to perform near or above the standard, and consistently more likely to perform below the standard.
- In 2015–16, migratory students were 21 percent less likely to meet or exceed the overall math standards than other students. When comparing particularly disadvantaged migrant students and other students, the gap widens to 32 percent.
- In 2014–15, migratory English learner students are less likely than non-migrant EL students to score Advanced or Early Advanced on California English Language Development Test (CELDT) measures, and more likely to score Beginning or Early Intermediate. These gaps are more pronounced for students in grade levels one through three.

### Migrant Student Identification as English Learners



Source: CDE Migratory Student Profile, 2017

***Migrant Education Program in California.*** The California Migrant Education Program (MEP) is a federally authorized and funded program intended to provide supplemental educational programs for migrant children, ages three to twenty-one. State law establishes additional state rules governing the administrative framework for delivering local MEP services throughout the state by subgrantees, program service areas, and parental involvement duties. The MEP is intended to mitigate the effect of educational disruption resulting from the repeated moves of migrant families who follow harvest cycles.

Federal law requires the MEP to:

- 1) support high quality comprehensive programs
- 2) ensure migrant children are not penalized by disparities among states in curriculum, graduation requirements, and student achievement standards
- 3) provide appropriate educational services to address their unique needs
- 4) ensure that migrant children receive the same opportunities to meet the same challenging state academic content standards that all children are expected to meet
- 5) design programs to help migrant children overcome cultural and language barriers, social isolation, and various health related problems
- 6) ensure migrant children benefit from state and local systemic reforms

According to the CDE, in 2014-15, the CDE had 20 subgrantees located in areas where there are high numbers of migrant farmworkers. There were 15 regions comprised of a single or several county offices of education and five directly funded districts. Each subgrantee provides comprehensive programs to address the unique needs of migrant children. All subgrantees offer educational programming and deliver services primarily through after-school programs, tutoring,

Saturday classes, and intersession programs offered during breaks and during the summer time. 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.

***Prior legislation.*** 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 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 this 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, specified that priority for services shall 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  
Californians Together

##### **Opposition**

None on file

**Analysis Prepared by:** Tanya Lieberman / ED. / (916) 319-2087