

Date of Hearing: May 9, 2018

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 3022 (Gonzalez Fletcher) – As Introduced February 16, 2018

**SUBJECT:** Retroactive grant of high school diplomas: deported pupils

**SUMMARY:** Authorizes specified high schools to retroactively grant a high school diploma to a pupil who was deported if that pupil was enrolled in grade 12 and was in good academic standing at the time of deportation. Specifically, **this bill:**

- 1) Authorizes a high school district, unified school district, or county office of education to retroactively grant a high school diploma to a person who has not received a high school diploma because his or her education was interrupted due to his or her deportation, by order of the federal government, voluntarily or otherwise.
- 2) Specifies that a pupil qualifies under these provisions if he or she was enrolled in grade 12 and in good academic standing at the time of his or her deportation.
- 3) Requires a school district or county office of education, in evaluating whether to award a high school diploma to a pupil under these circumstances, to consider any coursework that may have been completed by the pupil outside of the United States or through online or virtual courses.

**EXISTING LAW:**

- 1) A high school district, unified school district, or county office of education, may retroactively grant a high school diploma to a person who has not received a high school diploma if he or she meets either of the following conditions:
  - a) The person was interned by order of the federal government during World War II and was enrolled in a high school operated by the school district or under the jurisdiction of the county office of education immediately preceding his or her internment and did not receive a high school diploma because his or her education was interrupted due to his or her internment during World War II.
  - b) The person is a veteran of World War II, the Korean War, or the Vietnam War, was honorably discharged from his or her military service, was enrolled in a high school operated by the school district or under the jurisdiction of the county office of education immediately preceding his or her military service in those wars, and did not receive a high school diploma because his or her education was interrupted due to his or her military service in those wars (EC 51430).
- 2) A high school district, unified school district, or county office of education may retroactively grant a high school diploma to a deceased person to be received by the next of kin of the deceased person (EC 51430).
- 3) Authorizes the governing board of any school district maintaining a high school to confer honorary high school diplomas upon foreign exchange students from other countries who

have not completed the course of study ordinarily required for graduation, and who are returning to their home countries following the completion of one academic school year in a school district in the state. Honorary high school diplomas awarded pursuant to this section shall be clearly distinguishable from the regular diplomas of graduation awarded by the district (EC 51225.5).

- 4) A pupil complies with the residency requirements for school attendance in a school district if he or she is a pupil whose parent or parents were residents of this state and have departed California against their will, and, if the pupil seeks admission to a school of a school district, shall be admitted by the governing board of the school district regardless of his or her current residency, if that pupil meets both of the following requirements: (EC 48204.4).
  - a) The pupil has a parent or guardian who departed California against his or her will.
  - b) The pupil moved outside of California as a result of his or her parent or guardian departing California against his or her will and the pupil lived in California and was enrolled in a California school immediately before moving outside of California.
- 5) Defines a person has “departed California against his or her will” if any of the following circumstances apply: (EC 48204.4)
  - a) The person was in custody of a government agency and was transferred to another state.
  - b) The person was subject to a lawful order from a court or government agency that authorized the person’s removal from California.
  - c) The person was subject to a lawful order pursuant to subparagraph (b) and was permitted to depart California before being removed from California pursuant to the lawful order.
  - d) The person was removed or is permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act (8 U.S.C. Sec. 1229c).

**FISCAL EFFECT:** The Office of Legislative Counsel has keyed this bill as non-fiscal.

**COMMENTS:** *Need for the bill.* According to the author:

“The goal of this bill is to provide students who have been deported, voluntarily or otherwise, an opportunity to complete their high school diploma. While there are no official numbers, CDE estimates that there are approximately 300,000 undocumented students attending California schools. Many of these students came to the U.S. as young children, and grew up speaking English and attending California schools. A lot of these students have also never known their country of origin or have spoken or written, in an academic setting, in the language of their country of origin. Without the language acquisition to read and write, if these students are deported they would not be able to continue their education at the same level. These students would be at a significant disadvantage in not having completed a standard of education as they struggle to adjust to a new country and compete for employment opportunities.

Despite the on-going legal challenges surrounding immigration reform, the Trump Administration has continued to enforce deportation orders, and has publically scaled-up efforts to detain and deport undocumented individuals. Ensuring that these students have an opportunity to attain a high school diploma not only helps improve their economic futures, but also helps to ensure that if those students return as adults, they will have skills and educational certification to help them succeed.

A precedent exists for providing a diploma to a high school senior in good standing who is unable to complete their final year of high school. During the Vietnam War, War in Korea and World War II, high school seniors who were drafted into the military before they could complete their high school courses were awarded diplomas if they left for their military service in good standing at school. The same benefit was also extended to internees during the Second World War.”

***Unclear how many students would qualify.*** The 1984 Supreme Court decision Plyler v. Doe requires schools to enroll all eligible children regardless of their citizenship or immigration status. According to the CDE, California has approximately 300,000 students who are undocumented as well as about one million students who live with a parent or guardian who are undocumented. It has been suggested that, as of 2015, approximately 25,000 undocumented students graduated from California schools annually.

According to the Department of Homeland Security, between 1998 and 2007, the U.S. conducted 108,434 alien removals of parents of U.S. citizen children nationally. The 2010 National Census in Mexico identified 597,000 U.S.-born children and adolescents living in Mexico. It is not clear how many of these returned to Mexico due to the deportation of the parent or guardian. This bill does not currently apply to children of parents who are deported.

***Reviewing additional coursework.*** This bill requires that, in evaluating whether to award a high school diploma to a pupil who has been deported, that the school district or county office of education must consider any coursework that the pupil has completed outside of the U.S. or through online or virtual courses. Although this requirement may possibly ensure that the pupil has completed the necessary coursework to qualify to receive a California high school diploma, it would likely prove difficult for schools to conduct such evaluations.

***Inclusion of charter schools.*** This bill authorizes school districts and county offices of education to grant retroactive high school diplomas. ***Committee staff recommends*** that the bill be amended to add charter schools to those entities authorized to grant diplomas under these provisions.

***Prior legislation.*** SB 257 (Lara) Chapter 498, Statutes of 2017 deems that a student meets residency requirements for school attendance in a school district if he or she is a student whose parent(s), were residents of California and have departed California against their will.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

State Superintendent of Public Instruction Tom Torlakson (Sponsor)  
ACLU of California  
Association of California School Administrators  
California Federation of Teachers

California Immigrant Policy Center  
California Teachers Association  
Dreamer Fund  
Los Angeles Unified School District  
National Association of Social Workers – California Chapter  
Sacramento City Unified School District  
San Diego County Office of Education  
San Francisco Unified School District  
Santa Clara County Office of Education

**Opposition**

None on file

**Analysis Prepared by:** Debbie Look / ED. / (916) 319-2087