

Date of Hearing: July 7, 2021

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

SB 705 (Hueso) – As Amended April 19, 2021

**[Note: This bill is double referred to the Assembly Labor and Employment Committee and was heard by that Committee as it relates to issues under its jurisdiction.]**

**SENATE VOTE:** 39-0

**SUBJECT:** Workforce development: Binational Education and Workforce Opportunities Act

**SUMMARY:** Requires the California Department of Education (CDE) and the California Workforce Development Board (CWDB), in consultation with the California-Mexico Border Relations Council, to jointly form a study group of subject matter experts in specified fields to analyze unique challenges and opportunities arising from the presence of a large binational student population and workforce on both sides of the California-Mexico border. Specifically, **this bill:**

- 1) Requires, in consultation with the California-Mexico Border Relations Council, the CDE and the CWDB to jointly form a study group comprised of subject matter experts in the fields of education, trade, immigration, workforce services, and labor markets to analyze the unique challenges and opportunities arising from the presence of a large binational student population and workforce living and working on both sides of the California-Mexico border.
- 2) Requires the study group to issue a report to the department and the CWDB, by December 1, 2022, detailing findings and recommendations on how to accomplish all of the following:
  - a) Improve educational and labor market outcomes for binational students and workers;
  - b) Enhance educational, job training, and career services supports for binational students and workers;
  - c) Understand the labor market dynamics associated with the cross-border movement of goods and people and use this understanding to develop appropriate education and workforce programs and services to the educational and career benefit of binational students and workers;
  - d) Leverage and optimize the occupational skills and educational achievements of binational students who have degrees, credentials, and certifications from either side of the California-Mexico border;
  - e) Use educational and workforce investments to build resilient cross-border supply chains; and
  - f) Determine the feasibility of establishing cross-border binational postsecondary coursework, postsecondary degree opportunities, and internships.

- 3) Authorizes the study group to use existing research to expedite completion and submission of the report.
- 4) Requires, in consultation with the California-Mexico Border Relations Council, the CDE and the CWDB to issue a report of the study group's findings and recommendations to the Legislature, by July 1, 2023. Requires the report to also provide to the Legislature a preliminary plan, resource needs, and scoping options based on available resources for achieving both of the following goals:
  - a) Increasing access to, and the quality of, educational opportunities for binational students and workers, including the development and expansion of support programs, for cross-border pupils or other pupils whose education is obtained in both California and Mexico, and bilingual or multilingual instructional programs; and
  - b) Developing and providing a comprehensive suite of career services and job training opportunities for binational students and workers.

**EXISTING LAW:**

- 1) Establishes the CWDB, which is responsible for assisting the Governor in the development, oversight, and continuous improvement of the workforce system.
- 2) Requires that the CWDB work collaboratively with state and local partners to identify ways to eliminate system wide barriers and better align and leverage federal, state, and local Workforce Innovation and Opportunity Act funding streams, and other funding streams, and policies to develop, support, and sustain regional alliances of employers and workforce and education professionals who are working to improve the educational pipeline, establish well-articulated career pathways, provide industry-recognized credentials, certificates, and recognized postsecondary credentials, and address the career advancement needs of current and future workers in competitive and emergent industry sectors and clusters.
- 3) Requires the CWDB, in collaboration with state and local partners, including the Chancellor of the California Community Colleges, the CDE, other appropriate state agencies, and local workforce development boards, to develop a State Plan to serve as a framework for the development of public policy, employment services, fiscal investment, and operation of all state labor exchange, workforce education, and training programs to address the state's economic, demographic, and workforce needs.
- 4) Requires the CWDB to prepare its strategic workforce plan in a manner consistent with the requirements of the federal Workforce Innovation and Opportunity Act of 2014.
- 5) Establishes the Removing Barriers to Employment Grant Initiative administered by the CWDB which provides individuals with barriers to employment, including English learners, migrant and seasonal farmworkers, and immigrants, services to help enter, participate in, and complete broader workforce preparation, training, and education programs aligned with regional labor market needs. Services are delivered locally through partnerships between community-based organizations and local workforce development boards.

- a) Provides that a pupil complies with the residency requirements for school attendance in a school district if he or she is a student 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, requires that the pupil 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: The pupil has a parent or guardian who departed California against his or her will; and
  
- a) 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. (EC 48204.4)
  
- 7) Defines a person who has “departed California against his or her will” as a person for whom 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; and
  - 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).
  
- 8) Authorizes a resident of a foreign county adjacent to California, otherwise eligible for admission to a class or school of a school district, who regularly returns within a 24-hour period to the foreign country, to be admitted to a class or school by the governing board of the school district. Requires the parent or guardian of a pupil admitted, to pay the district an amount specified by the school district and deemed to be sufficient to reimburse the district for the total cost of educating the pupil. (EC 48051-48052)

**FISCAL EFFECT:**

According to the Senate Appropriations Committee: The bill’s requirement for CDE and the Workforce Development Board to form a study group and issue findings and recommendations could result in one-time General Fund costs in the low hundreds of thousands of dollars. Depending on the scope of the recommendations, this bill could also result in additional, potentially significant General Fund cost pressure to implement those recommendations. However, the bill provides that the study group’s report include a preliminary plan, resource needs, and scoping options based on available resources for achieving its goals.

**COMMENTS:**

***Need for the bill.*** According to the author, “Although California has been ground zero for advanced cross-border manufacturing and trade, we have not taken the appropriate steps needed to prepare the workforce needed to sustain our binational economy. Today, there are an estimated 1.5 million minors in Mexico with ties to the U.S. and 9 million ‘students we share,’ students from Mexican immigrant households enrolled in schools between Mexico and the United States. These students comprise a segment of a growing binational student population that includes students that cross the border every day to attend school, students of Mexican descent, and college students seeking binational educational experiences, among others. Unfortunately, research commissioned by the UCSD Center for U.S.-Mexican Studies showed that students that have some binational experience have lower educational aspirations and expectations than students without binational experience. These binational students are less likely to expect to finish college and have lower high school and college completion rates than their peers without binational experience. With adequate support, binational youth could be well positioned to thrive in a growing binational economy.”

***California-Mexico binational students.*** According to a 2017 policy brief from the Center for U.S.-Mexican Studies, *The Students We Share: At the Border – San Diego and Tijuana*, 21% of 9<sup>th</sup> and 10<sup>th</sup> grade students in San Diego have experienced living and studying in Mexico and 11% of 9<sup>th</sup> and 10<sup>th</sup> grade students in Tijuana have experienced living and studying in the U.S. The policy brief states, “The families of these students often lack the social capital necessary for academic success and their young people need additional support from schools and teachers...4 out of 5 young people report turning to other sources [beyond their families] for advice.” The students studied reported difficulty with integration into classrooms on both sides of the border and varying levels of support from teachers and although most students speak both English and Spanish, they reported struggling with switching between instruction in the two languages.

***The California Workforce Development Board.*** The CWDB was established in 1998, as outlined in the federal Workforce Investment Act, and was replaced by the Workforce Innovation and Opportunity Act (WIOA) in 2014, which outlines the vision and structure through which state workforce training and education programs are funded and administered regionally and locally. The CWDB is responsible for the oversight and continuous improvement of the workforce system in California, which encompasses policy development, workforce support and innovation, performance assessment, measurement, and reporting.

In 2016, the CWDB, in conjunction with its statewide partners, released the Unified Strategic State Plan, later updated in 2018. This plan is built around three policy objectives, which are intended to guide state policy and practice across partner programs, as well as inform local policy and service delivery: 1) fostering demand-driven skills attainment, 2) enabling upward mobility for all Californians, and 3) aligning, coordinating and integrating programs and services.

All members of the Board are appointed by the Governor and represent business, labor, public and higher education, economic development, youth activities, employment and training, and legislative affairs. The statewide workforce development system is comprised of 45 Local Areas, each with its own Local Workforce Development Board. This bill calls for the CWDB, and the CDE, to draft a strategic plan that would increase binational educational and workforce development opportunities.

***Binational Migrant Education Initiative.*** According to the U.S. Department of Education's (USDOE) web site, in the 1970s, a group from California initiated efforts to work with Mexico on issues related to the education of students who migrate between California and Mexico. These efforts led to other border states becoming involved, leading to the creation of the Binational Migrant Education Initiative (BMEI). The Initiative was started and supported by individual States that had a migrant student population that migrates regularly between Mexico and the United States.

In August of 1990, a Memorandum of Understanding (MOU) was signed by officials within the USDOE in the United States and Mexico as a way to deepen and strengthen their working relationship with one another to enhance their efforts to improve primary, secondary, and postsecondary education in both countries. Annex V to the MOU that was signed in June 1998 re-established the USDOE's commitment to promote cooperation and coordination between the two countries. This Annex prompted the Office of Migrant Education to encourage more State migrant programs to participate in the Binational activities, and to help support the already established state Binational efforts.

***Initiatives to support binational students in California.*** Partnerships designed to support binational students in California include:

- The federally funded Binational Migrant Education program is administered in California by the CDE, in partnership with the Secretary of Public Education of Mexico. Activities of the program support migrant students (K-12) who travel between the two countries, teachers who participate in a three-year California exchange program, and teachers who participate in a summer session. The activities include facilitating transfer of documents to help U.S. students enroll in Mexican elementary and middle schools, promoting literacy in Spanish, and providing supplemental instructional materials and texts that are used in public schools in Mexico. Services offered to students are limited, with the program's core focus being on cultural exchange of ideas among teachers. A separate agreement between the University of California, Mexico and the CDE offers additional teacher-training opportunities centered on educating binational students.
- The San Diego County Office of Education's (SDCOE) Global Academy developed a bilingual/binational high school for transnational students, available via hybrid and distance learning on both sides of the border. Specifically, the school offers opportunities for students to earn the Seal of Biliteracy and a binational high school diploma based on articulated criteria recognized by the SDCOE and the Baja California Secretary of Education. The school additionally provides virtual and in-person career technical education opportunities.

***Arguments in support.*** The San Ysidro Chamber of Commerce writes, "Binational communities like San Ysidro are full of residents born on one side of the border, go to school on the other side of the border, working on one or the other side of the border and opening business on either side of the border. Our future workforce, business owners and leaders can come from either side, making our education system and economic situation inextricably linked.

As California continues working towards economic recovery, addressing the challenges experienced by a growing binational workforce and student population will be key to building a more resilient and equitable economy. By requiring the Workforce Development Board and the

Department of Education to come up with a strategic plan, including the development of a grant program, to support binational workforce and educational opportunities, California can reap the benefits that come with a growing binational economy while addressing inequities experienced by a largely invisible segment of our economy. Through these efforts, we can build a more sustainable economy while increasing access to economic prosperity.”

**Related legislation.** AB 743 (E. Garcia), Chapter 101, Statutes of 2019, requires a school district to accept the written statement from a physician who is contracted with a binational health plan for the purposes of authorizing a pupil to carry and self-administer prescribed inhaled asthma medication that the pupil needs to administer during the regular schoolday.

AB 3022 (Gonzalez Fletcher), Chapter 772, Statutes of 2018, authorizes school districts, county offices of education, and charter schools to retroactively grant a high school diploma to a person who departed California against his or her will, and who, at the time of departure, was enrolled in grade 12 and was in good academic standing. The bill requires schools to consider any coursework that may have been completed by the pupil through online or virtual courses in considering whether to award a high school diploma to a pupil.

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**

Brawley Chamber of Commerce  
California Association for Bilingual Education  
City of Calexico  
San Diego Regional Chamber of Commerce  
San Ysidro Chamber of Commerce  
San Ysidro Improvement Corporation

##### **Opposition**

None on file

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