

Date of Hearing: July 12, 2017

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

SB 257 (Lara) – As Amended May 26, 2017

**SENATE VOTE:** 31-6

**SUBJECT:** School admissions: pupil residency: pupils of deported parents

**SUMMARY:** Requires a school district to admit a pupil seeking admission, regardless of their residency, if the pupil provides evidence that their parent or guardian has been deported or was permitted to depart voluntarily and that they previously lived in California. Specifically, **this bill:**

- 1) Specifies that a pupil meets the residency requirements for school attendance in a school district if he or she is a person whose parents or guardians were residents of California and who have been deported or were permitted to leave voluntarily pursuant to the federal Immigration and Nationality Act.
- 2) Requires a school district to admit a pupil who is seeking admission to a school, regardless of his or her current residency, if the person meets the following requirements:
  - a) The person provides documentation from the U.S. Citizenship and Immigration Service showing they have a parent or guardian who has been deported or was permitted to depart voluntarily.
  - b) The person moved abroad as a result of the deportation or voluntary departure of the parent or guardian and provides information and evidence demonstrating that the person previously lived in California.
- 3) Authorizes the parent or guardian of the pupil to designate a U.S. citizen to attend school meetings and serve as an emergency contact.
- 4) Prohibits a school district from levying any charges or fees for admission or attendance in a school for pupils admitted under these provisions.

**EXISTING LAW:**

- 1) Requires students between the ages of six and eighteen years to attend the public full-time day school or continuation school or classes in the school district in which the residency of either the parent or legal guardian is located. (EC 48200)
- 2) Requires reasonable evidence of residency to be established by documentation showing the name and address of the parent or legal guardian within the school district. (EC 48204.1)
- 3) Authorizes a resident of a foreign country adjacent to this state, 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. (EC 48051)

- 4) Requires the parent or guardian of a pupil admitted pursuant to (3) above, 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 48052)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, unknown Proposition 98 General Fund costs, potentially in the high hundreds of thousands of dollars, to account for increased average daily attendance for students that would be able to attend school as a result of this bill.

**COMMENTS:**

*Need for the bill.* According to the author, “when parents are deported, they often take their children with them to the new country of residence so as to not break up the family. In California, we know there are parents who are deported to Mexico. In these instances, the children that are effectively forced to move out of the state with their parents are not always proficient enough in the Spanish language to succeed in Mexican schools. At the same time, schools in Mexico are not equipped with resources to integrate these students with limited Spanish skills into their classrooms. Consequently, these students are at risk of falling behind in their coursework and dropping out of school. A number of these youth will return to the United States as adults. By allowing children of deported parents to continue their education here and now, regardless of their residency status, we will set these students up for greater successes when they return to California. SB 257 seeks to remove some of the barriers to education for children of deported parents. Offering a stable learning environment during a time of turmoil in these youths’ lives will allow them to stay on track to complete their formal education and become productive members of society.”

*Defining eligible students.* This bill would permit any pupil who was previously a resident of California and has moved abroad as a result of the deportation or voluntary departure of the parent or guardian to attend school in any California school district, upon the provision of documentation fulfilling these two conditions.

The 2010 National Census in Mexico identified 597,000 U.S.-born children and adolescents living in Mexico. It is unclear how many of these returned to Mexico due to the deportation of the parent or guardian or how many live in sufficiently close proximity to the U.S. border to allow them to cross the border daily to attend school in a California school district.

According to the San Diego County Office of Education, there are seven school districts within the county that are within 15 miles of the U.S.-Mexico border. Four of these districts allow a student who resides in Mexico to enroll and pay tuition, as permitted by current law. In Imperial County, the largest district along the Mexican border is the Calexico Unified School District. Calexico had one student enrolled and paying tuition in the 2015-16 school year, but did not have any students enrolled under these provisions in the most recent school year.

As the author’s intent is to remove the barriers to students continuing their U.S. education, **staff recommends** that the bill be amended to require that a pupil provide information and evidence demonstrating that they were enrolled in a public school in California immediately before moving abroad, rather than simply evidence of having lived in California.

***Funding for educating students under these provisions.*** This bill prohibits school districts from requiring the payment of any charges or fees by the parent or guardian of the pupil admitted under these provisions. However, existing law specifies that a school district must require the parent or guardian of a pupil whose actual and legal residence is in a foreign country to pay tuition to the district in an amount sufficient to reimburse the district for the total cost of educating the pupil and further states that the pupil is not to be included in computing average daily attendance (ADA) of the school for the purposes of state apportionments.

To ensure that funding is available to the applicable school districts to educate pupils, **staff recommends** that the bill be amended to clarify that school districts are not required to charge tuition to pupils admitted under the provisions of this bill and that the pupils are to be included in computing ADA for purposes of calculating the school's apportionment of state funding.

**Staff recommends the following technical amendments to the bill:**

- 1) Specify that the pupil is seeking admission to a school in a school district, rather than to a specific class in a school.
- 2) Specify that the term "person" be replaced with "pupil" throughout the bill for clarification purposes.
- 3) Specify that a pupil has to meet both of the two specified requirements in order to be eligible to be admitted under these provisions: (1) having a parent or guardian who has been departed or left voluntarily; and (2) having moved abroad and having been enrolled in a California school prior to the deportation or departure.

***Arguments in support.*** Supporters note that this bill would help children of deported parents continue their education and preserve a modicum of stability in their lives by assuring that they will be able to continue attending California schools as before, no matter where they or their parents currently reside. This would be highly beneficial for thousands of children who have to live through the incredibly difficult circumstances of a parent's deportation.

***Arguments in opposition.*** The California School Boards Association expresses concern regarding the implementation of this bill, particularly with regard to the ability of a school district to verify that a pupil has moved abroad, to identify who holds the educational rights for the child, whether LEAs are able to charge tuition to these pupils, and the possible impact on facilities, among other concerns.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Academy of Pediatrics  
California Catholic Conference, Inc.  
California Charter Schools Association  
California Immigrant Policy Center  
California Teachers Association  
Coalition for Humane Immigrant Rights  
Common Sense Kids Action

Families in Schools  
National Association of Social Workers – California Chapter  
Public Advocates  
San Francisco Unified School District  
Santa Clara County Office of Education

**Opposition**

California School Boards Association

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