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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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<b>Bill No:</b>	AB 1319	<b>Hearing Date:</b>	June 26, 2019
<b>Author:</b>	Arambula and Bonta		
<b>Version:</b>	March 14, 2019		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** Migrant education: pupil residency.

## SUMMARY

This bill 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.

## BACKGROUND

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 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. (Education Code § 48853.5)
- 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.>

## ANALYSIS

This bill:

- 1) Requires the LEA serving a student who is a migratory child to do all of the following:
  - 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 migratory child.
  - b) For a student whose status changes as a student who is migratory child during a school year, comply with either of the following, 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 student is enrolled in high school, allow the student to continue their education in the school of origin through graduation.
- 2) For purposes of ensuring that a migrant student has the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts, the following apply:
  - a) Requires the LEA y, if the student who is migratory child is transitioning between school grade levels, to allow the student to continue in the school district of origin in the same attendance area.
  - b) Requires the LEA, if the migrant student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, allow the student who is a migratory child to continue to the school designating for matriculation in that school district.
  - c) Requires the new school to immediately enroll the student who is a migratory child regardless of outstanding fees, fines, textbook 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 academic or medical record, including other proof of immunization history.
- 3) Specifies that unless otherwise required by federal law, the bill's provisions does not require a LEA to provide transportation services.
- 4) 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.

- 5) Defines "school of origin" to mean the school in which the student is enrolled at the time that a change in residence occurs.
- 6) Defines, "Local Educational Agency," to mean a county office of education, school district, or charter school.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "No existing law addresses the educational stability of migratory students, whereby the state requires that LEAs 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.

AB 1319 will provide the option to migrant students to complete their academics at their school of original enrollment and continue to matriculate into their original feeder school despite a change in residence. Because existing school district policies require students to enroll in the school district of their residence, some migrant students change schools almost every year depending where their families relocate to find work. AB 1319 seeks to minimize such academic and social disruptions for migrant students by giving them the option to remain in their same school despite moving."

- 2) ***Migrant students in California.*** According to the California Department of Education (CDE), California is home to 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 as 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.

The following data for the 2016-17 school year, 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:

- California schools enrolled 90,122 current migrant students in the state, a decline from 102,348 in 2014-15.
- 54 percent of California migrant students were classified as English learners.
- 27 percent of migrant students experienced at least one change in school district during the 2016-17 school year.
- The four year cohort dropout rate for migrant students was 10.3 percent, compared to 9.7 percent in the general population.
- 74 percent of migrant students scored as not meeting standards in English language arts (compared to 53 percent of the general population), and 81 percent were not meeting standards in mathematics (compared to 62 percent for all students) on state assessments.

- 3) ***Effect of mobility on academic outcomes.*** As noted in the Assembly Education Committee’s analysis, “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.”
- 4) ***Parity.*** Existing law requires that LEA allow a current and former foster child, as well as, a student who is the child of a military family to continue their education in the school of origin. This bill provides a similar allowance to a former or current migrant student.
- 5) ***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 Migrant Education Program (MEP).

AB 275 (Alejo, 2016) 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.

**SUPPORT**

California Association for Bilingual Education  
California State PTA  
Californians Together

**OPPOSITION**

None received

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