
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: SB 257 **Hearing Date:** April 26, 2017
Author: Lara
Version: April 4, 2017
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: School admissions: pupil residency: pupils of deported parents

SUMMARY

This bill requires that a student, otherwise eligible for admission to a school, whose parent(s) were residents of California and were deported from the country or permitted to depart voluntarily, be admitted by the governing board of the school district provided that the student meets specified requirements.

BACKGROUND

Existing law:

- 1) Requires students 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. (Education Code § 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)

ANALYSIS

This bill:

- 1) Requires that a student, otherwise eligible for admission to a class or school, whose parent(s) were residents of this state and have been deported, or voluntarily departed pursuant to federal law, and who seeks admission to a class or school of a school district, be admitted regardless of their current residency, by the governing board of the school district if that student meets the following requirements:
 - a) Has a parent or guardian who has been deported or was permitted to depart voluntarily pursuant to federal law.

- b) Provides documentation from the United States Citizenship and Immigration Services evidencing the deportation or voluntary departure of his or her parent or guardian.
 - c) Moved aboard as a result of the deportation or voluntary departure and lived in California immediately before moving aboard.
 - d) Provides information and evidence demonstrating that the person previously lived in California.
- 2) Provides for a parent or guardian of the student to designate a U.S. citizen to attend school meetings and serve as an emergency contact.

STAFF COMMENTS

- 1) ***Need for the bill.*** The 2010 National Census in Mexico identified 597,000 U.S. – born children and adolescents living in Mexico. According to the author, when parents are deported, the US-born children are often taken to the new country of residence so as to not break up the family. Often these children are not proficient enough in the Spanish language to succeed in Mexican schools and schools in Mexico are not equipped with resources to integrate these students with limited Spanish skills. Consequently, these students often fall behind in their coursework. A number of these youth will return to the United States as adults. The author asserts that by allowing children of deported parents to continue their education regardless if their parents are no longer residents of the state, will set these children up for greater success when they return to California. This bill seeks to remove barriers for children of deported parents, who are otherwise eligible for admission and meet specified requirements, to continue their education in U.S. schools.
- 2) ***Related activity in higher education.*** The state has demonstrated a willingness to invest in children of deported parents in continuing their education by qualifying them for the exemption from nonresident tuition at public postsecondary institutions. Specifically, SB 141 (Correa, Chapter 57, statutes of 2013) required the California State University and California Community College districts, and requests the University of California exempt from nonresident tuition charges, under certain circumstances, a United States citizen who moved abroad as a result of his/her parent's deportation or voluntary departure. This benefit is available to a qualifying student, regardless of the length of time the student has been separated from the U.S. following the parent's deportation or voluntary departure. Presumably, the children who would benefit from this proposal could also benefit from the exemption from nonresident tuition at the state's public higher education institutions.
- 3) ***Tuition charged to K-12 students.*** Under existing law, school districts are required to charge tuition to parents of students residing in a foreign country adjacent to this state, and who regularly return within a 24-hour period to that foreign country prior to being admitted to a class or school with the district. Concerns have been raised as to whether these tuition provisions would apply to the children who meet the requirements outlined in this bill. According to the

author's office, the intent of this proposal is to allow children of deported parents to continue their education in California public schools tuition free. The author may wish to consider clarifying this point as this bill moves forward.

- 4) ***Average daily attendance?*** Concerns have also been raised as to whether students attending a school pursuant to this bill would generate average daily attendance (ADA) for purposes of the district's state school funding apportionment. In order to clarify that students attending a school district pursuant to this bill would generate ADA **staff recommends** that the bill be amended as follows:
- 48204.4. (a) *A pupil complies with the residency requirements for school attendance in a school district, ~~A person, otherwise eligible for admission to a class or school of a school district, if he or she is a pupil~~ whose parent or parents were residents of this state and have been deported and who seeks admission to a class or school of a school district shall be admitted by the governing board of the school district regardless of their current residency, if that person meets the following requirements:*
- 5) ***Effect on schools?*** This bill would require school districts to admit California children who were forced to move aboard as a result of their parent's deportation/voluntary departure and regardless of their current residence. Presumably, these children would reside abroad and in close proximity to the US/Mexico border. The 2010 National Census in Mexico identified 597,000 U.S.-born children and adolescents living in Mexico. It's unclear how many of these children are California born that could benefit from the proposal like the one outlined in this bill. It is likely that the schools neighboring the border would be most impacted by this bill's provisions.
- 6) ***Voluntary departure.*** Students eligible for this benefit must, among other requirements, have a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act. The terms of voluntary departure are outlined in section 1229c of Title 8 of the United States Code and provide that the Attorney General may permit an individual to voluntarily depart the United States at the individual's own expense in lieu of being subject to deportation proceedings. To be eligible for voluntary departure, an individual must not be deportable for conviction of an aggravated felony or terrorist activities.

SUPPORT

American Academy of Pediatrics
 California Catholic Conference, INC.
 California Immigrant Policy Center
 California Teachers Association
 Coalition for Humane Immigrant Rights
 Common Sense Kids Action
 National Association of Social Workers, California Chapter
 Public Advocates

OPPOSITION

None received.

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