
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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Subject: Pupil instruction: coursework and graduation requirements: currently and formerly migratory children and newly arrived immigrant pupils.

SUMMARY

This bill extends to students who are migratory children and to students participating in a newcomer program certain rights regarding exemptions from local graduation requirements and acceptance of partial credit that are currently afforded to other groups of highly mobile students, and extends the applicability of those provisions to charter schools.

BACKGROUND

Existing law:

- 1) Requires school districts to exempt students in foster care, students who are homeless children or youth, former juvenile court school students, and students who are children of military families (hereafter "mobile students") 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. (Education Code § 51225.1)
- 2) Requires a school district, if the school district determines that the mobile student is reasonably able to complete the school graduation requirements within the student's fifth year of high school, to do all of the following:
 - a) Inform the student of his or her option to remain in school for a fifth year to complete the school district's graduation requirements.
 - b) Inform the student, and the person holding the right to make educational decisions for the student, about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
 - c) Provide information to the student about transfer opportunities available through the California Community Colleges.

- d) Permit the student to stay in school for a fifth year to complete the school district's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the student. (EC § 51225.1)
- 3) In order to determine whether a mobile student is in the third or fourth year of high school, requires either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment to be used, whichever will qualify the student for the exemption. (EC § 51225.1)
- 4) Requires a school district, within 30 calendar days of the date that a mobile student who may qualify for the transfers into a school, to notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer, or the local educational agency liaison for homeless children and youth, as applicable, of the availability of the exemption and whether the student qualifies for an exemption. (EC § 51225.1)
- 5) If a school district fails to provide timely notice, requires the mobile student to be eligible for the exemption from local graduation requirements once notified, even if that notification occurs after the student no longer meets the definition of a student in foster care, a student who is a homeless child or youth, a former juvenile court school student, or a student who is a child of a military family, if the student otherwise qualifies for the exemption.
- 6) Requires a school district to notify the student and the person holding the right to make educational decisions for the student how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and to provide information about transfer opportunities available through the California Community Colleges. (EC § 51225.1)
- 7) Prohibits a mobile student who is eligible for the exemption and would otherwise be entitled to remain in attendance at the school from being required to accept the exemption or from being denied enrollment in, or the ability to complete, courses for which he or she is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements. (EC § 51225.1)
- 8) Requires a school district, if a mobile student is not exempted or has previously declined the exemption to exempt the student at any time if an exemption is requested by the student and the student qualifies for the exemption. (EC § 51225.1)
- 9) Prohibits a school district from revoking the exemption. (EC § 51225.1)
- 10) Requires a mobile student's exemption to continue to apply after the termination of the court's jurisdiction over the student, after the student is no longer a homeless child or youth, or after the student no longer meets the definition of "children of military families," as applicable, while he or she is enrolled in school or if the student transfers to another school or school district. (EC § 51225.1)

- 11) Prohibits a school district from requiring or requesting a mobile student to transfer schools in order to qualify the student for an exemption. (EC § 51225.1)
- 12) Requires a school district or a county office of education to accept coursework satisfactorily completed by a mobile student in another public school, juvenile court school, or nonpublic, nonsectarian school or agency, even if the student did not complete an entire course, and requires that a student be issued full or partial credit for work completed. (EC § 51225.2)
- 13) For purposes of (11), requires credits accepted to be applied to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, or nonpublic, nonsectarian school or agency. (EC § 51225.2)
- 14) Prohibits a school district or county office of education from requiring a mobile student to retake a course if the student has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, or, if the mobile student did not complete the entire course, from requiring the mobile student to retake the portion of the course the student completed unless the school district or county office of education, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. (EC § 51225.2)
- 15) Requires a mobile student, when partial credit is awarded in a particular course, to be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. (EC § 51225.2)
- 16) Prohibits a mobile student from not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California. (EC § 51225.2)
- 17) Defines “currently migratory child” to mean “a child who has moved with a parent, guardian, or other person having custody, from one school district to another, either within the State of 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,” and 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.” (EC § 54441)
- 18) Defines “former migratory child” to mean “a child who was formerly eligible to be counted and served as a currently migratory child within the past five years, but who is no longer a currently migratory child, and who lives in an area served by an Elementary and Secondary Education Act Title I 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.” (EC § 54441)

ANALYSIS

This bill extends to students who are migratory children and to students participating in a newcomer program certain rights regarding exemptions from local graduation requirements and acceptance of partial credit that are currently afforded to other groups of highly mobile students, and extends the applicability of those provisions to charter schools. Specifically, this bill:

- 1) Adds students who are migratory children and students participating in a newcomer program to the list of students, which currently includes students in foster care, students who are homeless children or youth, former juvenile court school students, and students who are children of military families, who are eligible for an exemption from local graduation requirements and acceptance of partial credit, as those provisions are identified and specified above in (1) to (16), inclusive, thus extending those rights to students who are migratory children and to students participating in a newcomer program.
- 2) Extends the requirements on school districts in those provisions, and other minor but related provisions not identified above, to charter schools by deleting references to school districts and instead referencing “local educational agencies,” as defined to “mean a school district or charter school.”
- 3) Defines a student “who is a migratory child” to mean a student “who meets the definition of ‘currently migratory child’” or “‘former migratory child,’” as those terms are currently defined in the Education Code.
- 4) Defines a student “participating in a newcomer program” to mean student “who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.”
- 5) Relative to acceptance of partial credit, specifically adds charter schools and “schools in a country other than the United States” to the list of schools, which currently includes public schools, juvenile court schools, and nonpublic, nonsectarian schools or agencies, that school districts are required to accept partial credit from.
- 6) In the case of a student participating in a newcomer program, specifies that enrollment in grade 11 or 12 may be used to determine whether the student is in his or her third or fourth year of high school.
- 7) Extends the continuance of the exemption at another school or school district, after a mobile student, including a student who is a migratory child or a student who is participating in a newcomer program, is no longer a mobile child or a student who is participating in a newcomer program while he or she is enrolled in school or if the pupil transfers to another school, to include the continuance of the exemption at a charter school.
- 8) Prohibits a student who is a migratory child, or the student’s parent or guardian, from requesting a transfer solely to qualify the student for an exemption.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The Legislature has recognized the importance of supporting students who move often between districts in order to help them graduate high school and has passed legislation for that purpose. These rights are currently not afforded to migrant students, who often change schools and as a result experience educational disruptions that make it difficult to meet credits and local graduation requirements. These same rights should also be extended to recently arrived immigrant students who face the challenge of adapting to a new country, culture, and language, oftentimes leading to not enough credits and time to graduate from high school.

California is home to 90,122 migrant students; the largest number in the nation. By definition, students are considered migrant if they or their families move in order to look for temporary or season work in the areas of agriculture or fishing. Migrant students are some of the most vulnerable students and face a greater risk of failing to graduate from high school due to family relocation. Migrant students should be supported on their path towards high school graduation by extending these rights given to other highly mobile students.”

- 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 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) ***Partial credit model policy.*** In response to long-standing concerns about challenges students in foster care face in obtaining partial credit for completed coursework, in 2013 the California Child Welfare Council and numerous other agencies and organizations published California's Partial Credit Model Policy, a statewide model policy to provide guidance to school districts, county offices of education, and child welfare agencies on how to implement the partial credit mandate in current law. The manual provides a partial credit calculation formula and implementation tools for use by school staff and social workers.
- 5) ***Previous legislation.*** AB 365 (Muratsuchi, Chapter 739, Statutes of 2017) extends to students from military families certain rights regarding exemptions from local graduation requirements and acceptance of partial credit which are currently afforded to other groups of highly mobile students.

SB 331 (Romero, Chapter 274, Statutes of 2010) reduces the number of years a child may be deemed a migrant child from 5 years to 3 years, deletes provisions regarding service priorities, specifies that priority for services shall be consistent with federal law, and expands the scope of a status report produced by the statewide parent advisory council of the California Migrant Education Program.

SUPPORT

Alliance for Children's Rights
American Academy of Pediatrics
Association of California School Administrators
Bay Area Student Activists

California Association for Bilingual Education
California Immigrant Policy Center
Californians Together Coalition
California Teachers Association
Carlston Family Foundation
Common Sense Kids Action
Fresno Interdenominational Refugee Ministries
National Association of Social Workers
Riverside County Office of Education
San Francisco Unified School District
Teach Plus
United Farm Workers

OPPOSITION

None received

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