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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 3022 **Hearing Date:** June 13, 2018  
**Author:** Gonzalez Fletcher  
**Version:** May 16, 2018  
**Urgency:** No **Fiscal:** No  
**Consultant:** Lynn Lorber

**Subject:** Retroactive grant of high school diplomas: deported pupils.

## SUMMARY

This bill authorizes schools to retroactively grant a high school diploma to a person who was deported by order of the federal government and was enrolled in grade 12 but did not receive a high school diploma because his or her education was interrupted due to the deportation.

## BACKGROUND

Existing law:

- 1) Authorizes a high school district, unified school district, or county office of education to retroactively grant a high school diploma to a person who has not received a high school diploma if he or she meets either of the following conditions:
  - a) The person was interned by order of the federal government during World War II and was enrolled in a high school operated by the school district or under the jurisdiction of the county office of education immediately preceding his or her internment and did not receive a high school diploma because his or her education was interrupted due to his or her internment during World War II.
  - b) The person is a veteran of World War II, the Korean War, or the Vietnam War, was honorably discharged from his or her military service, was enrolled in a high school operated by the school district or under the jurisdiction of the county office of education immediately preceding his or her military service in those wars, and did not receive a high school diploma because his or her education was interrupted due to his or her military service in those wars. (Education Code § 51430)
- 2) Authorizes a high school district, unified school district, or county office of education to retroactively grant a high school diploma to a deceased person who meets the conditions listed above. (EC § 51430)
- 3) Authorize a high school district, unified school district, or county office of education maintaining a four-year high school or senior high school, for a person who has not received a high school diploma described in # 4, to:

- a) Evaluate classes completed in any high school, community college, or state college.
  - b) Grant credit toward graduation for military service and training received while in the military service of the United States.
  - c) If satisfied that person has completed the equivalent of the requirements for graduation from high school, grant him or her a diploma of graduation. (EC § 51440)
- 4) Provides that people who may be granted a diploma pursuant to # 3 are:
- a) A former member of the Armed Forces who is a resident of California and who has received an honorable discharge.
  - b) A member of the Armed Forces who is, and on the date he or she entered the Armed Forces was, a resident of California. (EC § 51440)
- 5) Requires that a veteran who entered the military service of the United States while a student in grade 12 of a high school and who at the time of his or her entrance into military service had satisfactorily completed the first half of the work required for grade 12 be granted a diploma of graduation from that high school. (EC § 51440)
- 6) Authorizes the governing board of any school district maintaining a high school to confer honorary high school diplomas upon foreign exchange students from other countries who have not completed the course of study ordinarily required for graduation, and who are returning to their home countries following the completion of one academic school year in a school district in the state. Existing law requires honorary high school diplomas to be clearly distinguishable from the regular diplomas of graduation awarded by the district. (EC § 51225.5)

## ANALYSIS

This bill:

- 1) Authorizes a high school district, unified school district, county office of education, or the governing body of a charter school to retroactively grant a high school diploma to a person who has not received a high school diploma if he or she:
  - a) Was deported, voluntarily or otherwise, by order of the federal government.
  - b) At the time of the deportation was enrolled in grade 12 of a high school operated by the school district, by or under the jurisdiction of the county office of education, or by the charter school.

- c) Did not receive a high school diploma because his or her education was interrupted due to his or her deportation.
  - d) Was in good academic standing at the time of his or her deportation.
- 2) Requires a school district, county office of education, or charter school, in making an evaluation as to whether to award a high school diploma, to consider any coursework that may have been completed by the student outside of the United States or that may have been completed by the student through online or virtual courses.
  - 3) Applies existing law related to the granting of retroactive high school diplomas to people who were interned during World War II or who were veterans of World War II, the Korean War, or the Vietnam War, to include charter schools.

### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “While there are no official numbers, the California Department of Education estimates that there are approximately 300,000 undocumented students attending California schools. Many of these students came to the United States as young children, and grew up speaking English and attending California schools. A lot of these students have also never known their country of origin or have spoken or written, in an academic setting, in the language of their country of origin. Without the language acquisition to read and write, if these students are deported they would not be able to continue their education at the same level. These students would be at a significant disadvantage in not having completed a standard of education as they struggle to adjust to a new country and compete for employment opportunities. Ensuring that these students have an opportunity to attain a high school diploma not only helps improve their economic futures, but also helps to ensure that if those students return as adults, they will have skills and educational certification to help them succeed.”
- 2) ***Consideration of additional coursework.*** This bill requires a school, in making an evaluation as to whether to award a high school diploma, to consider any coursework that may have been completed by the student outside of the United States or that may have been completed by the student through online or virtual courses. It is unclear how schools would have access to such information, and how difficult it may be to schools to evaluate such coursework.
- 3) ***Related legislation.*** AB 2121 (Caballero) 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. AB 2121 is pending in the Senate Appropriations Committee.

AB 2109 (O'Donnell) among other things, authorizes the governing board of a school district or county office of education, and the governing body of a charter school maintaining a high school to confer an honorary high school diploma upon

a student who is terminally ill. AB 2109 is pending in the Senate Appropriations Committee.

**SUPPORT**

State Superintendent of Public Instruction (sponsor)  
ACLU of California  
Alameda County Office of Education  
California Charter Schools Association  
California Federation of Teachers  
Coalition for Humane Immigrant Rights  
California Immigrant Policy Center  
California School Boards Association  
California Teachers Association  
Common Sense Kids Action  
Hispanic Association of Colleges and Universities  
Los Angeles Unified School District  
National Association of Social Workers, California Chapter  
Sacramento City Unified School District  
San Diego County Office of Education  
San Francisco Unified School District  
Santa Clara County Office of Education

**OPPOSITION**

None received

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