
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1850
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Version: May 2, 2016
Urgency: No
Consultant: Kathleen Chavira
Hearing Date: June 8, 2016
Fiscal: Yes

Subject: Educational services: permanent residents: foreign nationals

SUMMARY

This bill replaces the term “illegal aliens” with the term “undocumented foreign nationals,” deletes the word “illegal” from any reference to “aliens,” replaces references to “aliens” and “immigrants” with the terms “permanent residents” and “foreign nationals,” and makes certain of its provisions contingent upon the enactment of related federal law, as specified.

BACKGROUND

Existing law makes findings and declarations relative to the federal Immigration Reform and Control Act of 1986 (Public Law 99-603) (the Act), including stating that as many as 1,700,000 illegal aliens could be granted amnesty and would seek permanent residency in California under the Act. Existing law further declares the Legislature’s intent to establish a state test for use by eligible aliens to attest to their understanding of English and understanding of the history and government of the United States, to meet the requirements of the Act. (Education Code § 32400)

Existing law also uses the word “alien” or “resident alien” in several sections of the Education Code, including sections pertaining to the internment of Japanese Americans during World War II, adult education, Immigrant Workforce Act, and postsecondary residency and non-resident tuition provisions.
(EC § 13000, § 52613, § 52651, § 68062, § 68130.5, and § 9505)

ANALYSIS

This bill:

- 1) Replaces the term “resident aliens” with “permanent residents” in provisions of the Education Code relative to the internment of persons of Japanese ancestry during World War II.
- 2) Replaces the term “illegal aliens” with the term “undocumented foreign nationals” and delete’s the word “illegal” from any reference to “aliens” throughout the Education Code.

- 3) Replaces the terms “alien” and “immigrant” with “foreign national” in Adult Education, Immigrant Workforce Act, and postsecondary residency and non-resident tuition provisions of the Education Code.
- 4) Provides that specified provisions of the bill that reference federal law are operative only upon notification of the Secretary of State by the State Superintendent of Public Instruction, by January 20, 2017 of the enactment of specified federal law.
- 5) Makes other technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, the statutory use of the term “illegal alien” to describe a person who is not a citizen or national in the United States is derogatory and antiquated. This bill removes the term “illegal alien” from various sections of the Education Code, and replaces it with the term “foreign national,” or other more appropriate terms, depending on the context. The bill also recognizes the need for state terminology to parallel federal definitions, and makes many of its provisions contingent on conforming changes in federal law.
- 2) ***Related Federal legislation.*** Legislation pending in Congress, “Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act” (H.R. 3785, Castro) would prohibit an executive agency from using “alien” and “illegal alien” in any rule, regulation, interpretation, publication, other document, display, or sign issued by the agency, and would replace the term “alien” with “foreign national,” and “illegal alien” with “undocumented foreign national.”

This bill conditions replacement of these same terms in federally related provisions of the Education Code upon certification by the Superintendent of Public Instruction to the Secretary of State of California that this terminology has been changed in federal law.

- 3) ***Similar legislation.*** Last year the Legislature approved and the Governor signed SB 432 (Mendoza, Chapter 160, Statutes of 2015) which eliminated references to “alien” throughout the Labor Code.

SUPPORT

California Teachers Association

OPPOSITION

None received.

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