

ASSEMBLY BILL

No. 1850

Introduced by Assembly Member Eduardo Garcia

February 10, 2016

An act to amend Sections 32400 and 32401 of the Education Code, relating to educational services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1850, as introduced, Eduardo Garcia. Educational services: federal Immigration Reform and Control Act of 1986.

Existing law expresses findings of the Legislature with respect to the impact of the federal Immigration Reform and Control Act of 1986 on illegal aliens. Existing law also states the intent of the Legislature to establish a state test that may be used 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 that act. Existing law requires the Superintendent of Public Instruction, in consultation with the Chancellor of the California Community Colleges, to develop the state test referenced above.

This bill would delete the word “illegal” from the legislative findings relating to these aliens.

The bill would also replace the word “alien” with the term “foreign national” in these provisions, but this replacement would be operative only if the Superintendent certifies, in writing, to the Secretary of State of California on or before January 20, 2017, that this terminology has been changed in federal law as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32400 of the Education Code is amended
2 to read:

3 32400. (a) The Legislature finds that as many as one million
4 seven hundred thousand ~~illegal~~ aliens could be granted amnesty
5 and would seek permanent residency in California under ~~the~~
6 ~~provisions~~ of the federal Immigration Reform and Control Act of
7 1986 (Public Law 99-603). Under the act, eligible aliens would
8 be required to demonstrate an understanding of ordinary English
9 and a knowledge and understanding of the history and government
10 of the United States.

11 (b) Further, it is the intent of the Legislature to establish a state
12 test ~~that may be used for use~~ by eligible aliens ~~to that would~~ attest
13 to their understanding of English and understanding of the history
14 and government of the United States to meet the requirements of
15 Section 312 of the *federal* Immigration and Nationality Act (8
16 U.S.C. Sec. 1423) and the federal Immigration Reform and Control
17 Act of 1986 (Public Law 99-603).

18 SEC. 2. Section 32400 of the Education Code is amended to
19 read:

20 32400. (a) The Legislature finds that as many as one million
21 seven hundred thousand ~~illegal aliens~~ *undocumented foreign*
22 *nationals* could be granted amnesty and would seek permanent
23 residency in California under ~~the provisions~~ of the federal
24 Immigration Reform and Control Act of 1986 (Public Law 99-603).
25 Under the act, eligible aliens would be required to demonstrate an
26 understanding of ordinary English and a knowledge and
27 understanding of the history and government of the United States.

28 (b) Further, it is the intent of the Legislature to establish a state
29 test ~~that may be used for use~~ by eligible ~~aliens~~ *foreign nationals*
30 *that would* attest to their understanding of English and
31 understanding of the history and government of the United States
32 to meet the requirements of Section 312 of the *federal* Immigration
33 and Nationality Act (8 U.S.C. Sec. 1423) and the federal
34 Immigration Reform and Control Act of 1986 (Public Law 99-603).

35 SEC. 3. Section 32401 of the Education Code is amended to
36 read:

37 32401. (a) ~~The Superintendent of Public Instruction,~~
38 *Superintendent*, in consultation with the Chancellor of the

1 California Community Colleges, shall develop a test or adopt an
2 existing test, subject to the approval of the United States Attorney
3 General pursuant to the federal Immigration Reform and Control
4 Act of 1986 (Public Law 99-603), to measure whether an eligible
5 ~~alien-foreign national~~ has a minimal understanding of ordinary
6 English and a knowledge and understanding of the history and
7 government of the United States as required under Section 312 of
8 the *federal* Immigration and Nationality Act (8 U.S.C. Sec. 1423).

9 (b) The Governor, the ~~Superintendent of Public Instruction,~~
10 *Superintendent*, the Chancellor of the California Community
11 Colleges, the President pro Tempore of the Senate, and the Speaker
12 of the Assembly shall petition the Director of the *United States*
13 Immigration and Naturalization Service and the United States
14 Attorney General for approval to use the test referred to in
15 subdivision (a) as one means by which an eligible ~~immigrant~~
16 *foreign national* may satisfy the requirements under the federal
17 Immigration Reform and Control Act of 1986 (Public Law 99-603).

18 (c) The ~~Superintendent of Public Instruction~~ shall distribute ~~this~~
19 ~~test~~ *the test referred to in subdivision (a)* to school districts, county
20 offices of education, and community colleges, upon their request
21 for purposes of administration, to eligible ~~immigrants-foreign~~
22 *nationals* granted legal status pursuant to Section 245A of the
23 *federal* Immigration and Nationality Act, as amended by the
24 Federal Immigration Reform and Control Act of 1986 (Public Law
25 99-603). Any school district, county office of education, or any
26 other eligible agency ~~which~~ *that* receives federal legalization
27 impact-assistance funds to provide educational services may
28 administer the test for purposes of determining the need of an
29 eligible ~~immigrant~~ *foreign national* applying for legal status for
30 appropriate educational services, and of allowing an eligible
31 ~~immigrant-foreign national~~ to demonstrate an understanding of
32 ordinary English and a knowledge and understanding of the history
33 and government of the United States. Test results shall be
34 ~~confidential and may be confidential, and shall~~ not be released without
35 the written consent of the eligible ~~immigrant~~ *foreign national* for
36 any purpose that is not directly related to the provision of
37 educational services. Upon request by an eligible ~~immigrant~~ *foreign*
38 *national* applying for legal status, test results may be transmitted
39 to the *United States* Immigration and Naturalization Service.
40 School districts, county offices of education community colleges,

1 and any other eligible agencies that receive federal funds for this
2 purpose shall administer the test using appropriate test monitor
3 and control procedures and provide for necessary test security
4 measures.

5 SEC. 4. (a) Sections 2 and 3 of this act shall not become
6 operative unless, on or before January 20, 2017, the Superintendent
7 of Public Instruction certifies, in writing, to the Secretary of State
8 of California that House Resolution 3785 of the 114th United
9 States Congress, or an equivalent measure, has been enacted and
10 the Correcting Hurtful and Alienating Names in Government
11 Expression (CHANGE) Act has become law, accomplishing both
12 of the following with respect to an executive agency of the federal
13 government:

14 (1) The replacement of the term “alien” with the term “foreign
15 national” when used to refer to an individual who is not a citizen
16 or national of the United States.

17 (2) The replacement of the term “illegal alien” with the term
18 “undocumented foreign national” when used to refer to an
19 individual who is unlawfully present in the United States or who
20 lacks a lawful immigration status in the United States.

21 (b) In the event that the Superintendent of Public Instruction
22 makes the certification referenced in subdivision (a), Section 1 of
23 this act shall become inoperative.