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AB-1255 Pupil instruction: newcomer pupils: migrant education: migrant regions. (2025-2026)

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Assembly Bill No. 1255

CHAPTER 185

An act to amend Sections 33547 and 54441 of the Education Code, relating to pupil instruction, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 01, 2025. Filed with Secretary of State October 01, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, Committee on Education. Pupil instruction: newcomer pupils: migrant education: migrant regions.

(1) Existing law requires the Instructional Quality Commission to recommend curriculum frameworks and instructional materials for adoption to the State Board of Education. Existing law requires, at the next regularly scheduled revision of the curriculum framework in English Language Arts and English Language Development, the commission to consider including content designed to provide teachers with resources to meet the unique academic and English language development needs of newcomer pupils at all grade levels. Existing law also requires the commission to ensure that the instructional materials for pupils in kindergarten or any of grades 1 to 8, inclusive, that it recommends to the State Board of Education for adoption include resources to help teachers meet the needs of newcomer pupils.

This bill would instead require, at the next adoption or followup adoption of instructional materials for use in kindergarten and grades 1 to 8, inclusive, in English Language Arts and English Language Development, the commission to consider including resources to help teachers meet the unique academic and English language development needs of newcomer pupils.

(2) Existing law requires the State Board of Education to adopt a state master plan for services to migrant children, as provided. Existing law requires the Superintendent of Public Instruction, in implementing the state master plan for services to migrant children, to establish the service regional system as the primary method for the delivery of services to migrant children. Existing law requires the Superintendent to review and approve plans for the establishment of service regions and to incorporate specified criteria in the approval of regional plans, as provided.

Existing law defines "migrant region," for purposes of this law pertaining to services for migrant children, as an operating agency comprised of a county or a combination of counties, or a public or private nonprofit agency not controlled in whole or part by a school district, or a combination of counties and agencies, meeting specified criteria.

This bill would revise the definition of "migrant region" to instead mean an operating agency meeting the specified criteria comprised of a county office of education or a combination of county offices of education, a combination of school districts within a county, a public or private nonprofit agency not controlled in whole or part by a school district, or a combination of county offices of education and public or private nonprofit agencies.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 33547 of the Education Code is amended to read:

33547. At the next adoption or followup adoption of instructional materials for use in kindergarten and grades 1 to 8, inclusive, in English Language Arts and English Language Development, the commission shall consider including resources for teachers to help them meet the unique academic and English language development needs of newcomer pupils.

SEC. 2. Section 54441 of the Education Code is amended to read:

54441. The definitions set forth in this section shall govern the interpretation of this article.

(a) "Currently migratory child" means 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 their identification as such a child, in order that the child, a parent, guardian, or other member of the 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.

"Currently migratory child" 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.

(b) "Former migratory child" means 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 ESEA 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.

(c) "Agricultural activity" means any activity directly related to the production or processing of agricultural products and the cultivation or harvesting of trees.

(d) "Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

(e) "Operating agency" means a local educational agency operating under a subgrant of state migrant education funding, or a public or private nonprofit agency under a special arrangement with the department to carry out a migrant education program.

(f) "Migrant region" means an operating agency comprised of a county office of education or a combination of county offices of education, a combination of school districts within a county, a public or private nonprofit agency not controlled in whole or part by a school district, or a combination of county offices of education and public or private nonprofit agencies, meeting the criteria of subdivision (a) of Section 54444.1.

(g) "Quality control" means the development of program quality standards by the state and the conduct of quality review procedures and processes at the operating agency, school district, and school level by state and other professional staff and parents, in conjunction with other interested parties, on a regular basis to assure the maintenance of high quality migrant education programs.

(h) "Supplementary services" means services provided to migratory children which are above the services already provided by a school or school district to other children of that school or school district.

(i) "Average monthly enrollments" means the average monthly number of pupils who are enrolled in a migrant education program. Average monthly enrollments shall be computed by totaling the number of migrant pupils reported by an operating agency during the months of September to June, inclusive, and dividing that total by 10.

(j) "Department" means the State Department of Education.

(k) "Superintendent" means the Superintendent of Public Instruction.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the efficient administration of the migrant education program to all grantees and to ensure that an upcoming adoption of instructional materials by the State Board of Education includes resources for teachers to meet the unique needs of newcomer pupils, it is necessary that this act take effect immediately.