



September 16, 2019

Dear County and District Superintendents and Charter School Administrators:

Public Charge Final Rule: Potential Impact on Public Education and Programs Provided by Schools

As California's State Superintendent of Public Instruction, I want to address an amendment to federal regulations¹ (final rule) that penalizes immigrants who receive certain public benefits and request your assistance in providing accurate information about the regulation's impact. I am gravely concerned by the new rule's detrimental effects on our students, families, and communities across California and want to convey three main points:

- Public education is not a public benefit covered by the rule, making it critical that all of us emphasize the importance of attending school and encourage families to continue sending their children to school—attending school will not impact a child's or family member's immigration status.
- The final rule generally does not apply to programs delivered by kindergarten through grade twelve (K–12) schools, such as school nutrition. It is important to communicate with your parents to reinforce that programs delivered by K–12 schools, such as school nutrition programs, are not subject to the new law and to encourage the completion of the meal application and alternate meal forms for free and reduced-priced meals.
- The final rule will apply to a broad range of social service programs. Due to the impact that the rule will have on students, families, and your broader school community, I want to ensure you can access accurate and comprehensive information about the rule's impact beyond K–12 education.

The final rule, formally called the "Public Charge" rule, is scheduled to take effect in mid-October. The final rule will make it more difficult to apply for permanent residency or earn a visa if an applicant is deemed likely to depend on government aid such as the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), housing assistance, and Medicaid. In California, approximately one

¹ <https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds>

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million students are living with one parent or guardian who is undocumented, and there are many more students with parents here on visas or as permanent residents who may now be impacted by these changes. The final rule does not apply to all immigrants or all government programs, but the rule is confusing and its complicated framework will be difficult to navigate for many families. Immigrants, including United States citizens, may perceive this rule as affecting their families' ability to stay in this country. Sharing accurate information and qualified immigration resources will be critical to protect against any potential harm.

I am particularly concerned that the final rule may impact participation in school nutrition programs. Under the final rule, the National School Lunch Program, School Breakfast Program, Seamless Summer Option, Afterschool Meal Supplement, Special Milk Program, Child and Adult Care Food Program, and Summer Food Service Program are **not** considered public benefits that could impact an individual's immigration status. To assist you with consistent messaging regarding the final rule, California is developing a clearinghouse of resources, including information about who is exempt from the rule and where to access qualified immigration advice. These resources are available at the California Immigrant Guide web page at <https://immigrantguide.ca.gov/en/publiccharge/>. Additional resources and information that you may use to communicate with families in your district are available on the California Department of Education's Safe Havens Initiative web page at <https://www.cde.ca.gov/eo/in/safehavens.asp>.

Finally, your anecdotal information, stories, and needs are important for us to hear and share with policy makers so we are better able to describe the negative impact of the rule to California school districts and the students you serve. Please contact Kim Frinzell, Director, Nutrition Services Division, by phone at 916-322-1566 or by email at CDESafeHavens@cde.ca.gov to share your data and experiences regarding the impact of this final rule or to receive additional information regarding this topic.

We are in communication with our federal and state leadership and agencies regarding the impacts of this rule. I call upon and stand with all schools in California as we support the families of all students regardless of immigration status and identify strategies to help mitigate the negative consequences the public charge final rule will have on the health and academic outcomes of our most vulnerable communities.

Sincerely,



Tony Thurmond

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