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**AB-306 Public schools: attendance alternatives: children of military personnel.** (2015-2016)

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**Assembly Bill No. 306**

**CHAPTER 771**

An act to amend Sections 48300 and 48301 of the Education Code, relating to school districts.

[ Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 306, Hadley. Public schools: attendance alternatives: children of military personnel.

Existing law requires each person between 6 and 18 years of age, not otherwise exempt, to attend the public full-time day school in the district in which their parent or guardian is a resident. Existing law provides for attendance alternatives, authorizes the governing board of any school district to accept interdistrict transfers, and prescribes procedures for the acceptance and approval of applications for interdistrict transfers. Existing law further authorizes a school district of choice, as defined, to give priority of attendance to children of military personnel.

This bill would prohibit a school district of residence from prohibiting the transfer of a pupil who is a child of an active military duty parent to a school in any school district, if the school district to which the parents of the pupil applies approves the application for transfer.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

**SECTION 1.** Section 48300 of the Education Code is amended to read:

**48300.** For purposes of this article, the following definitions apply:

(a) "Active military duty" means full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Reserve on active duty orders pursuant to Sections 1209 and 1211 of the Title 10 of the United States Code.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of choice" means a school district for which a resolution is in effect as described in subdivision (a) of Section 48301.

(d) "School district of residence" means the school district that a pupil would be directed by this chapter to attend, except as otherwise provided by this article.

**SEC. 2.** Section 48301 of the Education Code is amended to read:

**48301.** (a) The governing board of any school district may accept interdistrict transfers. A school district that receives an application for attendance under this article is not required to admit pupils to its schools. If, however, the governing board of a school district elects to accept transfers as authorized under this article, it may, by resolution, elect to accept transfer pupils, determine and adopt the number of transfers it is willing to accept under this article, and ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Any pupil accepted for transfer shall be deemed to have fulfilled the requirements of Section 48204. If the number of transfer applications exceeds the number of transfers the governing board of a school district elects to accept under this article, approval for transfer pursuant to this article shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board of the school district.

(b) Either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice pursuant to subdivision (c) of Section 48308, or the school district of choice may prohibit the transfer of a pupil under this article or limit the number of pupils so transferred if the governing board of the school district determines that the transfer would negatively impact any of the following:

- (1) The court-ordered desegregation plan of the school district.
- (2) The voluntary desegregation plan of the school district.
- (3) The racial and ethnic balance of the school district.

(c) The school district of residence may not adopt policies that in any way block or discourage pupils from applying for transfer to another school district.

(d) Communications to parents or guardians by school districts electing to enroll pupils under the choice options provided by this article shall be factually accurate and not target individual parents or guardians or residential neighborhoods on the basis of a child's actual or perceived academic or athletic performance or any other personal characteristic.

(e) A school district of choice, at its expense, shall ensure that the auditor who conducts the annual audit pursuant to Section 41020, at the same time that he or she is conducting that annual audit, reviews compliance with the provisions in this section regarding a random, unbiased selection process and appropriate communications. The compliance review specified in this subdivision is not subject to the requirements in subdivision (d) of Section 41020. The school district of choice shall notify the auditor regarding this compliance review specified in this subdivision before the commencement of the annual audit. The governing board of the school district of choice shall include a summary of audit exceptions, if any, resulting from the compliance review conducted pursuant to this subdivision in the report it provides pursuant to subdivision (b) of Section 48313.

(f) A school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school in any school district, if the school district to which the parent of the pupil applies approves the application for transfer.