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AB-1101 Pupil school enrollment: residency requirements: policy on investigations. (2015-2016)

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Assembly Bill No. 1101

CHAPTER 170

An act to add Section 48204.2 to the Education Code, relating to pupil school enrollment.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1101, Bonilla. Pupil school enrollment: residency requirements: policy on investigations.

Existing law requires each person between 6 and 18 years of age not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district where the residency of the person's parent or legal guardian is located. Existing law provides that a pupil is deemed to have complied with the residency requirements for school attendance in a school district if the pupil satisfies one of specified requirements. Existing law also specifies a nonexhaustive list of reasonable evidence that a school district is required to accept from a parent or legal guardian of a pupil as proof that the pupil satisfies the residency requirements for attendance in the school district. Existing law authorizes a school district to make reasonable efforts to determine that a pupil actually meets the residency requirements, as specified, if an employee of the school district reasonably believes that the parent or legal guardian of the pupil has provided false or unreliable evidence of residency.

This bill would, if a school district elects to undertake an investigation, as specified, require the governing board of the school district to adopt a policy regarding the investigation of a pupil to determine whether the pupil meets the residency requirements for school attendance in the school district before investigating any pupils. The bill would require the policy to, among other things, identify the circumstances upon which the school district may initiate an investigation, describe the investigatory methods that may be used, including whether the school district will be employing the services of a private investigator, prohibit the surreptitious photographing or video-recording of pupils who are being investigated, as provided, and provide for an appeal process, as specified. The bill would require the policy to be adopted at a public meeting of the governing board of the school district.

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

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

SECTION 1. Section 48204.2 is added to the Education Code, to read:

48204.2. (a) If a school district elects to undertake an investigation pursuant to subdivision (c) of Section 48204.1, the governing board of the school district shall adopt a policy regarding the investigation of a pupil to determine whether the pupil meets the residency requirements for school attendance in the school district before investigating any pupils.

(b) The policy shall do all of the following:

(1) Identify the circumstances upon which the school district may initiate an investigation, which shall, at a minimum, require the school district employee to be able to identify specific, articulable facts supporting the belief that the parent or legal guardian of the pupil has provided false or unreliable evidence of residency.

(2) (A) Describe the investigatory methods that may be used by the school district in the conduct of the investigation, including whether the school district will be employing the services of a private investigator.

(B) Before hiring a private investigator, the policy shall require the school district to make reasonable efforts to determine whether the pupil resides in the school district.

(3) Prohibit the surreptitious photographing or video-recording of pupils who are being investigated. For purposes of this paragraph, "surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of person or places subject to an investigation. For purposes of this paragraph, the collection of images is not covert if the technology is used in open and public view.

(4) Require that employees and contractors of the school district engaged in the investigation must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.

(5) Provide a process whereby the determination of a school district as to whether a pupil meets the residency requirements for school attendance in the school district may be appealed, and shall specify the basis for that determination. If an appeal is made, the burden shall be on the appealing party to show why the decision of the school district should be overruled.

(c) The policy required pursuant to this section shall be adopted at a public meeting of the governing board of the school district.