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AB-2949 Pupil residency: pupils of military families. (2017-2018)

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Assembly Bill No. 2949

CHAPTER 327

An act to add Section 48204.6 to the Education Code, relating to pupil residency.

[Approved by Governor September 10, 2018. Filed with Secretary of State September 10, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2949, Gloria. Pupil residency: pupils of military families.

Existing law requires each person between 6 and 18 years of age not otherwise exempted to attend a 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 provides that a pupil complies with the residency requirements for school attendance in a school district if the pupil's parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

This bill would require local educational agencies, as defined, to allow a pupil who is a child of a military family to continue attending his or her school of origin, as defined, or a school within the school district of origin, as provided, regardless of any change of residence of the military family or the end of military service of the pupil's parent, as specified. By requiring local educational agencies to allow pupils of military families who no longer satisfy the residency requirement to attend their schools of origin, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 48204.6 is added to the Education Code, to read:

48204.6. (a) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a county office of education, a school district, or a charter school.

(2) "Pupil who is a child of a military family" means a pupil who meets the definition of "children of military families" in Section 49701.

(3) "School of origin" means the school in which the pupil is enrolled at the time that a change in residence occurs.

(b) Notwithstanding Section 48200, the local educational agency serving a pupil who is a child of a military family shall do either of the following:

(1) Allow the pupil to continue his or her education in the school of origin, regardless of any change of residence of the military family during that school year, for the duration of the pupil's status as a child of a military family.

(2) For a pupil whose status changes due to the end of military service of his or her parent during a school year, comply with either of the following, as applicable:

(A) If the pupil is enrolled in kindergarten or any of grades 1 to 8, inclusive, allow the pupil to continue his or her education in the school of origin through the duration of that academic school year.

(B) If the child is enrolled in high school, allow the pupil to continue his or her education in the school of origin through graduation.

(c) To ensure that the pupil who is a child of a military family has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, the following apply:

(1) If the pupil who is a child of a military family is transitioning between school grade levels, the local educational agency shall allow the pupil who is a child of a military family to continue in the school district of origin in the same attendance area.

(2) If the pupil who is a child of a military family is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the local educational agency shall allow the pupil who is a child of a military family to continue to the school designated for matriculation in that school district.

(3) The new school shall immediately enroll the pupil who is a child of a military family even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including, but not limited to, records or other proof of immunization history pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code, proof of residency, other documentation, or school uniforms.

(d) Unless otherwise required by federal law, this section does not require a local educational agency to provide transportation services to allow a pupil subject to paragraph (1) or (2) of subdivision (b) or subdivision (c) to attend a school pursuant to this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.