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SB-257 School admissions: pupil residency: pupils of departed parents: residents of adjoining state or foreign country: school district reimbursement. (2017-2018)

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Senate Bill No. 257

CHAPTER 498

An act to amend Sections 48050 and 48052 of, and to add Section 48204.4 to, the Education Code, relating to school admissions.

[Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 257, Lara. School admissions: pupil residency: pupils of departed parents: residents of adjoining state or foreign country: school district reimbursement.

(1) 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 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.

This bill would provide that a pupil complies with the residency requirements for school attendance in a school district if he or she is a pupil whose parent or parents were residents of this state and departed California against their will, as defined, and, if the pupil seeks admission to a school of a school district, requires that the pupil be admitted by the governing board of the school district if that pupil meets specified requirements. By requiring school districts to admit this class of pupils, the bill would impose a state-mandated local program. The bill would provide that no charges or fees of any kind shall be required to be paid by a pupil, or by his or her parents or guardian, for admission or attendance in a school of a school district that provides instruction in accord with the bill's requirements.

(2) Existing law authorizes a person who is otherwise eligible for admission to any class or school of a school district of the state, whose parents are or are not citizens of the United States, to be admitted to the class or school if that person's actual and legal residence is in a foreign country adjacent to the state and that person regularly returns within a 24-hour period to that foreign country. As a condition precedent to admission of that person to the class or school, existing law requires that the governing board of the school district require the parent or guardian to pay to the school district an amount not more than sufficient to reimburse the school district for the total cost of educating the person, as provided. Existing law additionally provides that the attendance of the pupils so admitted shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds.

This bill would exempt from these reimbursement requirements a pupil that is admitted pursuant to (1) above and would require these pupils to be included in computing the average daily attendance of the school for the purpose of obtaining apportionment of state funds.

(3) Existing law authorizes the governing board of any school district to, with the approval of the county superintendent of schools, admit to the elementary and high schools of the district pupils living in an adjoining state which is contiguous to the school district provided that an agreement is entered into between the governing board and the governing board or authority of the school district in which the pupils reside providing for the payment by the latter of an amount sufficient to reimburse the district of attendance for the total cost of educating the pupil, as specified. In lieu of entering an agreement with the governing board or authority of the school district in which the pupil from the adjoining state resides, existing law authorizes the governing board of the school district in this state to enter an agreement with the parent or guardian of the pupil on the same terms as is provided in these provisions.

This bill would exempt from these reimbursement requirements a pupil that is admitted pursuant to (1) above and would require these pupils to be included in computing the average daily attendance of the school for the purpose of obtaining apportionment of state funds.

(4) 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 48050 of the Education Code is amended to read:

48050. (a) The governing board of any school district may, with the approval of the county superintendent of schools, admit to the elementary and high schools of the school district pupils living in an adjoining state that is contiguous to the school district. An agreement shall be entered into between the governing board of the school district in this state and the governing board or authority of the school district in which the pupils from the adjoining state reside providing for the payment by the latter of an amount sufficient to reimburse the school district of attendance for the total cost of educating the pupil, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The amount of the tuition for the current expenses of education per unit of average daily attendance of pupils from the adjoining state shall equal the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the school district of attendance. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars (\$10) per month. Tuition payments shall be made during the school year with final payment at the end of the school year after all costs have been determined. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. In lieu of entering an agreement with the governing board or authority of the school district in which the pupil from the adjoining state resides, the governing board of the school district in this state may enter an agreement with the parent or guardian of the pupil on the same terms as is provided in this subdivision.

(b) This section is inapplicable to a pupil attending a school in a school district pursuant to Section 48204.4 and the pupil shall be included in computing the average daily attendance of the school for the purpose of obtaining apportionment of state funds.

SEC. 2. Section 48052 of the Education Code is amended to read:

48052. (a) The governing board of the school district shall, as a condition precedent to the admission of any person, under Section 48051, require the parent or guardian of such person to pay to the school district an amount not more than sufficient to reimburse the school district for the total cost of educating the person, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars (\$10) per month. Tuition payments shall be made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. The school district shall not be eligible for nonimmigrant or noncitizen reimbursement under the provisions of Chapter 11 (commencing with Section 42900) of Part 24 of Division 3 of this title, Article 2 (commencing with Section 56865) of Chapter 6 of Part 30 of this division for these pupils.

(b) This section is inapplicable to a pupil attending a school in a school district pursuant to Section 48204.4 and the pupil shall be included in computing the average daily attendance of the school for the purpose of obtaining apportionment of state funds.

SEC. 3. Section 48204.4 is added to the Education Code, to read:

48204.4. (a) A pupil complies with the residency requirements for school attendance in a school district if he or she is a pupil whose parent or parents were residents of this state and have departed California against their will, as defined in subdivision (d), and, if the pupil seeks admission to a school of a school district, shall be admitted by the governing board of the school district regardless of his or her current residency, if that pupil meets both of the following requirements:

(1) The pupil has a parent or guardian who departed California against his or her will, as defined in subdivision (d). The pupil shall provide official documentation evidencing the departure of his or her parent or guardian.

(2) The pupil moved outside of California as a result of his or her parent or guardian departing California against his or her will, as defined in subdivision (d), and the pupil lived in California immediately before moving outside of California. The pupil shall provide information and evidence demonstrating that the pupil was enrolled in a public school in California immediately before moving outside of California.

(b) The parent or guardian of a pupil subject to subdivision (a) may designate an adult to attend school meetings and serve as an emergency contact.

(c) No charges or fees of any kind shall be required to be paid by a pupil, or by his or her parents or guardian, for admission or attendance in a school of a school district that provides instruction in accord with the requirements of this section.

(d) (1) For purposes of this section, a person has "departed California against his or her will" if any of the following circumstances apply:

(A) The person was in custody of a government agency and was transferred to another state.

(B) The person was subject to a lawful order from a court or government agency that authorized the person's removal from California.

(C) The person was subject to a lawful order pursuant to subparagraph (B) and was permitted to depart California before being removed from California pursuant to the lawful order.

(D) The person was removed or is permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act (8 U.S.C. Sec. 1229c).

(2) A school district may determine additional circumstances that are consistent with the purposes of this section.

SEC. 4. 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.