

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 306

Introduced by Assembly Member Hadley

February 12, 2015

An act to ~~amend Section 35700 of~~ *add Article 7.5 (commencing with Section 48318) to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code, relating to school districts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 306, as amended, Hadley. ~~School districts: reorganization. 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 authorize a parent of a pupil enrolled in a school district of residence, as defined, to submit an application for the pupil to attend a school in any school district of choice, as defined, if the parent with whom the pupil resides is enlisted in the military and is on active military duty, as defined. The bill would require that an application requesting such a transfer to a school district of choice be submitted to the school district of choice before January 1 of the year preceding the school year for which a pupil is requesting the transfer,

except as provided, and would specify that the application may request enrollment of the pupil in a specific school or program within the school district of choice. The bill would require a school district of choice to establish a time period for resident pupil enrollment, in order to provide priority enrollment opportunities for pupils residing in the school district, and, after that time period has concluded, if space is available at a school in the school district of choice, to accept and approve transfer applications submitted pursuant to those provisions, in accordance with specified priorities. The bill would require a school district of choice that receives such an application for a transfer to allow the pupil to enroll in the school district of choice in the school year immediately following the approval of his or her application. The bill would authorize a school district of choice to adopt specific, written standards for the acceptance of applicants pursuant to those provisions. By imposing new duties on school districts with regard to the review and acceptance of requests for alternative school attendance by children of military personnel, 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 these statutory provisions.

~~Existing law requires that an action to reorganize one or more school districts be initiated upon the filing with the county superintendent of schools of a petition to reorganize one or more school districts if the petition is signed by any of 4 specified groups.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 7.5 (commencing with Section 48318) is
- 2 added to Chapter 2 of Part 27 of Division 4 of Title 2 of the
- 3 Education Code, to read:

1 Article 7.5. Attendance Alternatives for Children of Military
2 Personnel
3

4 48318. For purposes of this article, the following definitions
5 apply:

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

11 (b) “Parent” means the natural or adoptive parent or guardian
12 of a dependent child.

13 (c) “School district of choice” means a school district for which
14 an application for enrollment has been submitted by the parent of
15 a pupil requesting enrollment pursuant to Section 48318.1. A
16 school district of choice may include a school district in which the
17 parent of a pupil resides or a school district other than the school
18 district in which the parent of a pupil resides.

19 (d) “School district of residence” means the school district that
20 a pupil would be directed to attend, pursuant to this chapter.

21 48318.1. (a) A parent of a pupil enrolled in a school district
22 of residence may submit an application for the pupil to attend a
23 school in any school district of choice, if the parent with whom
24 the pupil resides is enlisted in the military and is on active military
25 duty.

26 (b) An application requesting a transfer pursuant to this article
27 shall be submitted by the parent of a pupil to the school district of
28 choice before January 1 of the school year preceding the school
29 year for which the pupil is requesting the transfer. However, this
30 deadline does not apply to an application requesting a transfer if
31 the parent with whom the pupil resides was relocated by the
32 military within 90 days before submitting the application. The
33 school district of choice may waive the deadline specified in this
34 subdivision.

35 (c) The application may request enrollment of the pupil in a
36 specific school or program within the school district of choice.

37 (d) A pupil may enroll in the school district of choice in the
38 school year immediately following the approval of his or her
39 application.

1 (e) In order to provide priority enrollment opportunities for
 2 pupils residing in the school district of choice, a school district of
 3 choice shall establish a period of time for resident pupil enrollment
 4 before accepting transfer applications pursuant to this article.
 5 After the period of time for resident pupil enrollment has
 6 concluded, if space is available at a school in the desired school
 7 district of choice, the school district of choice shall accept and
 8 approve a transfer application submitted pursuant to this article,
 9 in accordance with the following priorities:

10 (1) First priority for transfer shall be given to the siblings of
 11 pupils who already attend the desired school.

12 (2) After approving the applications for enrollment for siblings
 13 of pupils pursuant to the priority specified in paragraph (1), if the
 14 number of pupils who request a particular school exceeds the
 15 number of spaces at that school, a lottery shall be conducted to
 16 select pupils at random until all of the available spaces are filled.

17 48318.2. A school district of choice may adopt specific, written
 18 standards for acceptance of applicants pursuant to this article.
 19 The standards may include consideration of the capacity of a
 20 program, class, grade level, school facilities, and adverse financial
 21 impacts. However, these standards may not include consideration
 22 of a pupil's previous academic achievement, physical condition,
 23 proficiency in the English language, family income, or any of the
 24 individual characteristics set forth in Section 200.

25 SEC. 2. If the Commission on State Mandates determines that
 26 this act contains costs mandated by the state, reimbursement to
 27 local agencies and school districts for those costs shall be made
 28 pursuant to Part 7 (commencing with Section 17500) of Division
 29 4 of Title 2 of the Government Code.

30 SECTION 1. ~~Section 35700 of the Education Code is amended~~
 31 ~~to read:~~

32 ~~35700. An action to reorganize one or more school districts is~~
 33 ~~initiated upon the filing, with the county superintendent of schools,~~
 34 ~~of a petition to reorganize one or more school districts signed by~~
 35 ~~any of the following:~~

36 ~~(a) At least 25 percent of the registered voters residing in the~~
 37 ~~territory proposed to be reorganized if the territory is inhabited.~~
 38 ~~Where the petition is to reorganize territory in two or more school~~
 39 ~~districts, the petition shall be signed by at least 25 percent of the~~
 40 ~~registered voters in that territory in each of those school districts.~~

- 1 ~~(b) A number of registered voters residing in the territory~~
2 ~~proposed to be reorganized, equal to at least 8 percent of the votes~~
3 ~~cast for all candidates for Governor at the last gubernatorial election~~
4 ~~in the territory proposed to be reorganized, where the affected~~
5 ~~territory consists of a single school district with over 200,000~~
6 ~~pupils in average daily attendance and the petition is to reorganize~~
7 ~~the school district into two or more school districts.~~
- 8 ~~(c) The owner of the property, provided that territory is~~
9 ~~uninhabited and the owner of the property has filed either a~~
10 ~~tentative subdivision map with the appropriate county or city~~
11 ~~agency or an application for any project, as defined in Section~~
12 ~~21065 of the Public Resources Code, with one or more local~~
13 ~~agencies.~~
- 14 ~~(d) A majority of the members of the governing boards of each~~
15 ~~of the school districts that would be affected by the proposed~~
16 ~~reorganization.~~