

AMENDED IN ASSEMBLY MAY 26, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 306

Introduced by Assembly Member Hadley
(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members Baker*
***and Burke*)**
(Coauthor: Senator Allen)

February 12, 2015

An act to 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. 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,~~ *another*

school district if the parent with whom the pupil resides 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 *chosen* 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~~, *district*, ~~to accept~~ *consider* 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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-Military family school district of choice”~~ means a
14 school district for which an application for enrollment has been
15 submitted by the parent of a pupil requesting enrollment pursuant
16 to Section 48318.1. A *military family* school district of choice may
17 include a school district in which the parent of a pupil resides or
18 a school district other than the school district in which the parent
19 of a pupil resides.

20 (d) “School district of residence” means the school district that
21 a pupil would be directed to attend, pursuant to this ~~chapter.~~
22 *chapter, in the absence of this article.*

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

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

36 (c) The application may request enrollment of the pupil in a
37 specific school or program within the *military family* school district
38 of choice.

1 (d) A pupil may enroll in the *military family* school district of
2 choice in the school year immediately following the approval of
3 his or her application.

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

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

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

21 48318.2. A *military family* school district of choice may adopt
22 specific, written standards for acceptance of applicants pursuant
23 to this article. The standards may include consideration of the
24 capacity of a program, class, grade level, school facilities, and
25 adverse financial impacts. However, these standards may not
26 include consideration of a pupil's previous academic achievement,
27 physical condition, proficiency in the English language, family
28 income, or any of the individual characteristics set forth in Section
29 200.

30 SEC. 2. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

O