

AMENDED IN ASSEMBLY MAY 20, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1101

Introduced by Assembly Member Bonilla

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1101, as amended, 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 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, containing specified information, 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 also would require the policy to prohibit the surreptitious photographing of pupils who are being investigated. 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.
 State-mandated local program: no.

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

1 SECTION 1. Section 48204.2 is added to the Education Code,
 2 to read:
 3 48204.2. (a) If a school district elects to undertake an
 4 investigation pursuant to subdivision (c) of Section 48204.1, the
 5 governing board of the school district shall adopt a policy regarding
 6 the investigation of a pupil to determine whether the pupil meets
 7 the residency requirements for school attendance in the school
 8 district before investigating any pupils.
 9 (b) The policy shall identify the circumstances upon which the
 10 school district may initiate an investigation, which shall, at a
 11 minimum, require the school district employee to be able to identify
 12 specific, articulable facts supporting the belief that the parent or
 13 legal guardian of the pupil has provided false or unreliable evidence
 14 of residency. ~~The policy shall provide for written notification of~~
 15 ~~a pupil's parent or legal guardian when a pupil is identified as~~
 16 ~~being subject to investigation under this section and shall provide~~
 17 ~~that such notification specify the basis for the reasonable belief~~
 18 ~~supporting the need for the investigation. The policy shall provide~~
 19 ~~that notification of a pupil's parent or legal guardian shall occur~~
 20 ~~at least five business days before the start of the investigation, and~~
 21 ~~the policy shall describe the investigatory methods that may be~~
 22 ~~used by the school district in the conduct of the investigation.~~
 23 *investigation, including whether the school district will be*
 24 *employing the services of a private investigator.* The policy shall
 25 prohibit the surreptitious photographing of pupils who are being
 26 investigated.

1 ~~(e) The written notice shall include the school district's contact~~
2 ~~information, which a pupil's parent or legal guardian may use to~~
3 ~~request information from or provide information to the school~~
4 ~~district regarding the investigation.~~

5 ~~(d)~~

6 (c) The policy shall require that employees and contractors of
7 the school district engaged in the investigation must identify
8 themselves truthfully as such to individuals contacted or
9 interviewed during the course of the investigation.

10 (e)

11 (d) The policy shall provide a process whereby the determination
12 of a school district as to whether a pupil meets the residency
13 requirements for school attendance in the school district may be
14 appealed, and shall specify the basis for that determination. If an
15 appeal is made, the burden shall be on the appealing party to show
16 why the decision of the school district should be overruled.

17 ~~(f)~~

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