**Senate Bill No. 200**

CHAPTER 174

An act to amend Section 48204 of the Education Code, relating to pupils.

[Approved by Governor August 11, 2015. Filed with Secretary of State August 11, 2015.]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 200, Lara. Pupils: school district residency requirements.

Existing law requires persons between 6 and 18 years of age, inclusive, to attend a public school within the school district in which the pupil’s parent or legal guardian resides, unless otherwise exempted. Existing law provides that a pupil complies with a school district’s residency requirements for school attendance in that school district if the pupil meets one of the specified requirements.

This bill would provide that a pupil complies with a school district’s residency requirements in instances where the pupil’s parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of 3 days during the school week. By requiring a school district to allow those pupils to attend a public school within the school district, thereby increasing the duties of a school district, this 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.

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

SECTION 1. Section 48204 of the Education Code, as amended by Section 1 of Chapter 93 of the Statutes of 2012, is amended to read:

48204. (a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if he or she is any of the following:

1. (A) A pupil placed within the boundaries of that school district in a regularly established licensed children’s institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.
(B) An agency placing a pupil in a home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.

(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (e) and (f) of Section 48853.5.

(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.

(6) A pupil residing in a state hospital located within the boundaries of that school district.

(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

(b) A school district may deem a pupil to have complied with the residency requirements for school attendance in the school district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.

(1) This subdivision does not require the school district within which at least one parent or the legal guardian of a pupil is employed to admit the pupil to its schools. A school district shall not, however, refuse to admit a pupil under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(2) The school district in which the residency of either the parents or the legal guardian of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the school district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the school district.

(3) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the school district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(4) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (1), (2), or (3) is encouraged to identify, and communicate in writing to the parents or the legal guardian of the pupil, the
specific reasons for that determination and is encouraged to ensure that the
determination, and the specific reasons for the determination, are accurately
recorded in the minutes of the board meeting in which the determination
was made.

(5) The average daily attendance for pupils admitted pursuant to this
subdivision is calculated pursuant to Section 46607.

(6) Unless approved by the sending school district, this subdivision does
not authorize a net transfer of pupils out of a school district, calculated as
the difference between the number of pupils exiting the school district and
the number of pupils entering the school district, in a fiscal year in excess
of the following amounts:

(A) For a school district with an average daily attendance for that fiscal
year of less than 501, 5 percent of the average daily attendance of the school
district.

(B) For a school district with an average daily attendance for that fiscal
year of 501 or more, but less than 2,501, 3 percent of the average daily
attendance of the school district or 25 pupils, whichever amount is greater.

(C) For a school district with an average daily attendance of 2,501 or
more, 1 percent of the average daily attendance of the school district or 75
pupils, whichever amount is greater.

(7) Once a pupil is deemed to have complied with the residency
requirements for school attendance pursuant to this subdivision and is
enrolled in a school in a school district the boundaries of which include the
location where at least one parent or the legal guardian of a pupil is
physically employed, the pupil does not have to reapply in the next school
year to attend a school within that school district and the governing board
of the school district shall allow the pupil to attend school through grade
12 in that school district if the parent or legal guardian so chooses and if at
least one parent or the legal guardian of the pupil continues to be physically
employed by an employer situated within the attendance boundaries of the
school district, subject to paragraphs (1) to (6), inclusive.

(c) This section shall become inoperative on July 1, 2017, and as of
January 1, 2018, is repealed, unless a later enacted statute, that becomes
operative on or before January 1, 2018, deletes or extends the dates on which
it becomes inoperative and is repealed.

SEC. 2. Section 48204 of the Education Code, as amended by Section
2 of Chapter 93 of the Statutes of 2012, is amended to read:

48204. (a) Notwithstanding Section 48200, a pupil complies with the
residency requirements for school attendance in a school district, if he or
she is:

(1) (A) A pupil placed within the boundaries of that school district in a
regularly established licensed children’s institution, or a licensed foster
home, or a family home pursuant to a commitment or placement under
Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the
Welfare and Institutions Code.
(B) An agency placing a pupil in the home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.

(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (e) and (f) of Section 48853.5.

(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.

(6) A pupil residing in a state hospital located within the boundaries of that school district.

(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

(b) This section shall become operative on July 1, 2017.

SEC. 3. 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.