

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 14, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1320

Introduced by Assembly Member Canciamilla

February 22, 2005

An act to amend ~~Section 48204~~ *Sections 48204, 84756, and 84757* of the Education Code, relating to ~~school attendance~~ *education*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1320, as amended, Canciamilla. ~~Residency requirements: exceptions.~~ *Schools: community college districts.*

(1) Existing law provides that a pupil is deemed to have complied with the residency requirements for school attendance in a school district, provided the pupil meets one of the specified requirements, including that the pupil resides in the home of a caregiving adult that is located within the boundaries of the school district. Existing law provides that execution of an affidavit is a sufficient basis for a determination that the pupil lives in the home of the caregiver, except as provided.

The bill would authorize the governing board of a school district to adopt a policy regarding the approval of an affidavit by a caregiver, as specified.

(2) *Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law establishes community college districts throughout the state, and authorizes them to provide*

instruction at community college campuses. Existing law establishes, and sets forth the mission of, an economic and workforce development program as part of the responsibilities of the California Community Colleges. Existing law expresses legislative intent with respect to community college districts' noncredit programs and lists specified noncredit courses and classes eligible for state funding.

This bill would add legislative intent language that calls on credit and noncredit resources of the community college districts to provide critical support for continuous workforce improvement and economic development, as specified. The bill would also include, in the list of specified noncredit courses and classes eligible for state funding, specified education and training services to small businesses and incumbent workers, and new and innovative delivery options for specified courses and training options that increase access to community college resources for incumbent workers and small businesses.

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

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

1 SECTION 1. Section 48204 of the Education Code, as added
 2 by Section 2 of Chapter 529 of the Statutes of 2003, is amended
 3 to read:

4 48204. (a) Notwithstanding Section 48200, and subject to
 5 subdivision (c), a pupil is deemed to have complied with the
 6 residency requirements for school attendance in a school district,
 7 if he or she is any of the following:

8 (1) A pupil placed within the boundaries of that school district
 9 in a regularly established licensed children's institution, or a
 10 licensed foster home, or a family home pursuant to a
 11 commitment or placement under Chapter 2 (commencing with
 12 Section 200) of Part 1 of Division 2 of the Welfare and
 13 Institutions Code.

14 An agency placing a pupil in a home or institution described in
 15 this subdivision shall provide evidence to the school that the
 16 placement or commitment is pursuant to law.

17 (2) A pupil for whom interdistrict attendance has been
 18 approved pursuant to Chapter 5 (commencing with Section
 19 46600) of Part 26.

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

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

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

15 (b) A school district may deem a pupil as having complied
16 with the residency requirements for school attendance in the
17 school district if one or both *of* the parents or legal guardians of
18 the pupil ~~is~~ *are* employed within the boundaries of that school
19 district.

20 (1) This subdivision does not require the school district within
21 which the parents or guardians of a pupil are employed to admit
22 the pupil to its schools. Districts may not, however, refuse to
23 admit pupils under this subdivision on the basis, except as
24 expressly provided in this subdivision, of race, ethnicity, sex,
25 parental income, scholastic achievement, or any other arbitrary
26 consideration.

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

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

39 (4) The governing board of a school district that prohibits the
40 transfer of a pupil pursuant to paragraph (1), (2), or (3) is

1 encouraged to identify, and communicate in writing to the
2 parents or guardians of the pupil, the specific reasons for that
3 determination and is encouraged to ensure that the determination,
4 and the specific reasons therefor, are accurately recorded in the
5 minutes of the board meeting in which the determination was
6 made.

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

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

14 (A) For any district with an average daily attendance for that
15 fiscal year of less than 501, 5 percent of the average daily
16 attendance of the district.

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

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

24 (7) Once a pupil is deemed to have complied with the
25 residency requirements for school attendance pursuant to this
26 subdivision and is enrolled in a school in a school district whose
27 boundaries include the location where one or both parents of a
28 pupil is employed, or where the legal guardian of the pupil is
29 employed, the pupil does not have to reapply in the next school
30 year to attend a school within that school district and the district
31 governing board shall allow the pupil to attend school through
32 the 12th grade in that district if the parent or guardian so chooses
33 and if one or both of the pupil's parents or guardians continues to
34 be employed by an employer situated within the attendance
35 boundaries of the school district, subject to paragraphs (1) to (6),
36 inclusive.

37 (c) Notwithstanding any other provision of law, the governing
38 board of a school district may adopt a policy regarding the
39 approval of an affidavit executed pursuant to paragraph (4) of
40 subdivision (a). That policy may include a requirement that the

1 caregiver appear before the governing board as a condition of
2 approval of the affidavit.

3 (d) This section is inoperative on and after July 1, 2007, and as
4 of January 1, 2008, is repealed, unless a later enacted statute, that
5 becomes operative on or before January 1, 2008, deletes or
6 extends the dates on which it becomes inoperative and is
7 repealed.

8 SEC. 2. Section 48204 of the Education Code, as amended by
9 Section 3 of Chapter 529 of the Statutes of 2003, is amended to
10 read:

11 48204. (a) Notwithstanding Section 48200, a pupil is deemed
12 to have complied with the residency requirements for school
13 attendance in a school district, if he or she is:

14 (1) A pupil placed within the boundaries of that school district
15 in a regularly established licensed children's institution, or a
16 licensed foster home, or a family home pursuant to a
17 commitment or placement under Chapter 2 (commencing with
18 Section 200) of Part 1 of Division 2 of the Welfare and
19 Institutions Code.

20 An agency placing a pupil in the home or institution shall
21 provide evidence to the school that the placement or commitment
22 is pursuant to law.

23 (2) A pupil for whom interdistrict attendance has been
24 approved pursuant to Chapter 5 (commencing with Section
25 46600) of Part 26.

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

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

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

1 (b) Notwithstanding any other provision of law, the governing
2 board of a school district may adopt a policy regarding the
3 approval of an affidavit executed pursuant to paragraph (4) of
4 subdivision (a). That policy may include a requirement that the
5 caregiver appear before the governing board as a condition of
6 approval of the affidavit.

7 (c) This section is operative on and after July 1, 2007.

8 *SEC. 3. Section 84756 of the Education Code is amended to*
9 *read:*

10 84756. (a) It is the intent of the Legislature that community
11 college districts with noncredit programs recognize the
12 importance of noncredit programs and that they will continue to
13 support these offerings.

14 †

15 (b) It is also the intent of the Legislature that community
16 college districts with noncredit programs consider the need for
17 both credit and noncredit allocations in allocating future growth
18 pursuant to board of governors regulations.

19 (c) It is further the intent of the Legislature that the credit and
20 noncredit resources of the community colleges be utilized so as
21 to maximize their capacity to provide critical support for
22 continuous workforce improvement and economic development
23 in a manner that is adaptive and responsive to the changing
24 needs of regional economies consistent with Section 88500. A key
25 objective of the use of noncredit funding is to enable incumbent
26 workers to become more competitive in their region's labor
27 market, increase competency, and identify career paths to
28 economic self-sufficiency and lifelong access to good-paying
29 jobs. This support includes performance improvement training
30 pursuant to Section 88520, contract education, as defined in
31 Section 78020, and career ladder approaches.

32 *SEC. 4. Section 84757 of the Education Code is amended to*
33 *read:*

34 84757. (a) For purposes of this chapter, the following
35 noncredit courses and classes shall be eligible for funding:

36 (1) Parenting, including parent cooperative preschools, classes
37 in child growth and development and parent-child relationships.

38 (2) Elementary and secondary basic skills and other courses
39 and classes such as remedial academic courses or classes in
40 reading, mathematics, and language arts.

- 1 (3) English as a second language.
- 2 (4) Classes and courses for immigrants eligible for educational
- 3 services in citizenship, English as a second language, and work
- 4 force preparation classes in the basic skills of speaking, listening,
- 5 reading, writing, mathematics, decisionmaking and problem
- 6 solving skills, and other classes required for preparation to
- 7 participate in job-specific technical training.
- 8 (5) Education programs for persons with substantial
- 9 disabilities.
- 10 (6) Short-term vocational programs with high employment
- 11 potential.
- 12 (7) Education programs for older adults.
- 13 (8) Education programs for home economics.
- 14 (9) Health and safety education.
- 15 (10) *Education and training services to small businesses and*
- 16 *incumbent workers pursuant to Sections 88530 and 88531.*
- 17 (11) *New and innovative delivery options for course and*
- 18 *training offerings that increase access to community college*
- 19 *resources for incumbent workers and small businesses.*
- 20 (b) No state apportionment shall be made for any course or
- 21 class that is not set forth in subdivision (a) and for which no
- 22 credit is given.