
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: SB 455 **Hearing Date:** March 29, 2017
Author: Newman
Version: February 16, 2017
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Pupil enrollment: military dependents

SUMMARY

This bill modifies residency requirements for school attendance for active-duty military families by deeming that a student meets residency requirements for school attendance in a school district if the student's parent is transferred or is pending transfer to a military installation that is within the *state*, instead of within the *boundaries of the receiving school district*.

BACKGROUND

Existing law:

- 1) Requires students to attend the public full-time day school or continuation school or classes in the school district in which the residency of either the parent or legal guardian is located. (Education Code § 48200)
- 2) Requires, reasonable evidence of residency to be established by documentation showing the name and address of the parent or legal guardian within the school district, including but not limited to the following:
 - a) Property tax payments receipts.
 - b) Rental property contract, lease. Or payment receipts.
 - c) Utility service contract, statement, or payment receipts.
 - d) Pay stubs.
 - e) Voter registration.
 - f) Correspondence from a government agency.
 - g) Declaration of residency executed by the parent or legal guardian. (EC § 48204.1)
- 3) Deems that a student meets residency requirements for school attendance if the student's parent is transferred to a military installation that is within the boundaries of the school district pursuant to an official military order and requires a school district to accept applications by electronic means for those students for

purposes of enrollment and course registration. The parent must provide proof of residence within 10 days after the published arrival date provided on official documentation. (EC § 48204.3)

- 4) Defines:
 - a) “Active military duty,” to mean full-time military duty status in the active uniformed service of the United States, including the California National Guard and the State Military Reserve.
 - b) “Military installation” to mean a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense or the United States Coast Guard. (EC § 48204.3)
- 5) Prohibits a school district, regardless of whether an agreement for interdistrict attendance exists, from prohibiting the transfer of a student who is a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the application for transfer. (EC § 46600 (2)(A))
- 6) Enacts the Interstate Compact on Educational Opportunity for Military Children. The Compact provides for the uniform treatment of military children transferring between school districts and states. (EC § 49700, et seq.)

ANALYSIS

This bill:

- 1) Modifies residency requirements for school attendance for military families by deeming that a student meets residency requirements for school attendance if the student’s parent while on active-duty orders, is transferred or is pending transfer to a military installation that is within the state, in lieu of within the boundaries of the receiving school district.
- 2) Requires any school district, in lieu of only those school districts with military installations located within its boundaries, to accept applications by electronic means for enrollment, including into a school, program or course for children of transferring military families.

STAFF COMMENTS

- 1) ***Need for the bill.*** SB 1455 (Block, Chapter 312, Statutes of 2016) allowed transferring military families to register their children in school prior to being physically located within the boundaries of the school district. According to the author military children primarily attend 100 school districts within the state but only 40 of these military impacted districts currently accept remote enrollment as a consequence of the gap between the location of district boundaries and the location of the military base to which the parent has been transferred. This bill allows military families on active-duty orders to remotely enroll in any school

district where they will reside regardless if the school is zoned to a military installation.

- 2) ***Affected school districts?*** The provisions in this bill apply to students of active duty members of the United States uniformed services, National Guard and State Military Reserve on active-duty orders. California hosts more than 30 military installations and 168 active-duty service members. Presumably school districts neighboring military installations would be most impacted by this bill's provisions.
- 3) ***Existing protections extended to children of military families.*** Existing law grants flexibility to children whose parent is on active military duty. Below is a brief explanation of these policies.
 - a) *The Interstate Compact on Educational Opportunity for Military Children.* The Compact is an interstate agreement that provides guidance as to how local school districts address the transition needs of military children. With the passage of AB 343 (Saldana, Chapter 237, Statutes of 2009), California ratified its participation in the Compact. Under the Compact, districts are required to be flexible in applying their local rules to students in order to facilitate enrollment, placement, advancement, eligibility for extracurricular activities, and on-time graduation. These provisions, however, do not guarantee placement. It's not clear how districts apply rules to application or program deadlines. This bill is separate from the Compact but is in alignment with the overall goal of the agreement.
 - b) *Interdistrict transfer.* Current law also prohibits a school district, regardless of whether an agreement for interdistrict attendance exists, from prohibiting the transfer of a student whose parent is on active military duty to a school district provided that the school district of proposed enrollment approves the application for transfer. Military families may benefit from interdistrict transfer once already established in a school district. This bill only authorizes transferring military families to remotely enroll in a California school district before moving into the state.
 - c) *Residency requirements and remote registration.* SB 1455 (Block, Chapter 312, Statutes of 2016) provided military families transferring to California the ability to start the school enrollment process as soon as a written military transfer order is given and if the assigned military installation resided within boundaries of the receiving school district. Certain school districts are required to accept applications by electronic means for enrollment in a specific school or program within the school district and course registration for these students. Parents must provide proof of residence within 10 days after the published arrival date provided on official documentation.

SB 1455 (Block, Chapter 312, Statutes of 2016) essentially allowed a student to apply for enrollment to a school remotely at the same time as their peers and within the school district that the student will eventually reside. Prior to SB 1455 (Block, Chapter 312, Statutes of 2016) families were not eligible to register until they were physically located within the

district boundaries and as a result missed registration deadlines. This bill would extend provisions established by SB 1455 (Block, Chapter 312, Statutes of 2016) to school districts statewide.

- 4) ***Proof of residence clarification.*** Current law deems that a student meets residency requirements for school attendance if the student's parent is transferred to a military installation that is within the boundaries of the school district and in addition requires parents to provide proof of residence within 10 days after the published arrival date provided on official documentation.

Because this bill is expanding the ability for a military family to be deemed as meeting residency requirements anywhere in the state and remotely enroll to any school in the state, the proof of residence requirement could be interpreted as requiring proof of "state," residence rather than proof of "district" residence. **Staff recommends** that the bill be amended to clarify that the "proof of residence" requirement refers to proof of residence within the school district in which the residency of the parent is located.

- 5) ***Prior legislation.*** SB 1455 (Block, Chapter 312, Statutes of 2016) provides that a student meets residency requirements for school attendance if the student's parent is transferred to a military installation that is within the boundaries of the school district and requires a school district to accept applications for those students by electronic means for enrollment purposes.

SUPPORT

K.J Killea, Brigadier General, U.S. Marine Corps Commanding General, Marine Corps Installations West-Marine Corps Base, Camp Pendleton

OPPOSITION

None received.

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