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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** SB 1455  
**Author:** Block  
**Version:** March 29, 2016  
**Urgency:** No  
**Consultant:** Olgalilia Ramirez  
**Hearing Date:** April 13, 2016  
**Fiscal:** Yes

**Subject:** Pupil enrollment: military dependents

## SUMMARY

This bill provides that a student meets residency requirements for school attendance if the student's parent is transferred or is pending transfer to a military installation that is within the boundaries of the school district.

## BACKGROUND

Existing law:

- 1) Requires students to attend the public full-time day school or continuation school or classes in which the residency of either the parent or legal guardian is located. (Education Code § 48200)
- 2) Until July 1, 2017, provides that a student complies with the residency requirements for school attendance in a school district if the student:
  - a) Is placed within the boundaries of the school district in a licensed children's institution, licensed foster home, or a foster family home.
  - b) Is a foster child who remains in his or her school of origin.
  - c) Has been approved for interdistrict attendance.
  - d) Resides within the boundaries of the school districts and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.
  - e) Lives in the home of a caregiving adult that is located within the boundaries of that school district.
  - f) Resides in a state hospital located within the boundaries of the school district.
  - g) Is a child of a parent who is employed and lives at the place of employment within the boundaries of the school district for a minimum of three days during the school week. (EC § 48204)

- 3) Until July 1, 2017, authorizes school districts to deem a student to have complied with the residency requirements for school attendance in a school district if at least one parent or the legal guardian is physically employed within the boundaries of that district for a minimum of 10 hours during the school week. (EC § 48204)
- 4) 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 payment 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)
- 5) 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. Among other things, the Compact is meant to address issues related to:
  - a) Records, enrollment, placement and attendance, including the transfer of unofficial and official records, and placement in comparable courses, programs, and the same grade level regardless of age.
  - b) Granting of additional excused absences to a pupil whose parent has been called to or returned from active duty.
  - c) Eligibility for enrollment and participation in extracurricular activities, including allowing military dependents to attend the same school and participation in programs and extracurricular activities with the consent of a non-custodial parent or other person who is caring for that child (standing in loco parentis).
  - d) Graduation, including the use of best efforts to waive required courses for pupils who successfully completed similar coursework, and consider granting a diploma from the sending school for pupils who transfer in their senior year of high school.
  - e) Binding effect of the Compact, whereby all member states' laws conflicting with the Compact are superseded by the Compact and all rules and

bylaws developed by the commission are binding upon member states.  
(Education Code § 49700, et seq.)

## ANALYSIS

This bill provides that a student meets residency requirements for school attendance if the student's parent is transferred or is pending transfer to a military installation that is within the boundaries of the district. Specifically it,

- 1) Authorizes the use of a military installation's billeting office address instead of a residential address.
- 2) Requires a school district to accept applications by electronic means for enrollment, including into a specific school, program, and/or course.
- 3) Requires parents to provide proof of residence within 10 days after the published arrival date provided on the military order.
- 4) Makes the following definitions for the purpose of this section:
  - a) "Active military duty," means full-time military duty status in the active uniformed service of the United States, including the National Guard and the State Reserve.
  - b) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense.
  - c) "Parent" means the natural or adoptive parent or guardian of a dependent child.
- 5) Establishes if the Commission on State Mandates determines that this act contains costs mandated by the state, the state will reimburse applicable entities.

## STAFF COMMENTS

- 1) ***Need for the bill?*** According to the author, children of military service members transferring on official military orders to California are not eligible to register in high school courses, enroll in specialized academic programs or enter random lotteries for consideration into a charter or magnet school until they are physically located within the district boundaries. As a result, these students often miss course and program registration deadlines. This bill would allow, by electronic means, transferring military families to enroll their children in a school, program or course prior to being physically located within the boundaries of the school district.
- 2) ***The Interstate Compact on Educational Opportunity for Military Child.*** 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. Existing law prohibits changes in the Compact agreement unless the proposed changes are enacted into law by unanimous consent of the member states. 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.

Separate from the Compact, this bill aims to provide military families the ability to start the enrollment process as soon as a written military transfer order is given. Parents must provide proof of residence within 10 days after the published arrival date provided on the military order.

- 3) ***Affected school districts?*** The provisions in this bill apply to students of active-duty members of the United States uniformed services, National Guard and Reserve on active-duty orders. California hosts more than 30 military installations and 168 active-duty service members. Presumably, the surrounding districts of those military installations may be the most affected by the requirements outlined in the bill.

#### **SUPPORT**

Marine Corps Installations West-Marine Corps Base

#### **OPPOSITION**

None received.

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