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# SENATE COMMITTEE ON EDUCATION

Senator Liu, Chair  
2015 - 2016 Regular

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**Bill No:** SB 200  
**Author:** Lara  
**Version:** February 10, 2015  
**Urgency:** No  
**Consultant:** Lynn Lorber  
**Hearing Date:** March 18, 2015  
**Fiscal:** Yes

**Subject:** Pupils: school district residency requirements

## SUMMARY

This bill provides that a student meets residency requirements for school attendance if the student's parent or legal guardian is employed and lives at the place of employment within the boundaries of the school district for at least three days during the school week.

## BACKGROUND

Current 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. 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. (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.

- A. School districts are not required to admit a student with at least one parent or legal guardian who is physically employed in the district.
  - B. A school district may prohibit the transfer of a student if the district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the district, or if the district determines that the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (EC § 48204)
4. Requires school districts to accept from the parent or legal guardian reasonable evidence that the student meets the residency requirements for school attendance in the district. Current law 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. Authorizes school districts to make reasonable efforts to determine that the student actually meets the residency requirements if an employee of the district reasonably believes that the parent or legal guardian has provided false or unreliable evidence of residency. (EC § 48204.1)

## ANALYSIS

This bill provides that a student meets residency requirements for school attendance if the student's parent or legal guardian resides outside of the school district boundaries but is employed and lives at the place of employment within the boundaries of the school district for at least three days during the school week.

**STAFF COMMENTS**

1. ***Need for the bill.*** According to the author, “While school districts currently have the ability to allow live-in workers’ children to attend school where they work, many districts refuse to do so, creating undue hardships for working families. SB 200 recognizes that live-in employees, like nannies, caregivers and others, have a greater need than other workers to enroll their children in a school near their place of employment. These workers do not fit the traditional family model, but should not face undue hardship to keep their family together.”
2. ***Author’s amendment.*** The author wishes to amend this bill to specify that the student must live with the parent within the boundaries of the school district for a minimum of three days each school week. **Staff recommends** the bill be so amended.
3. ***Existing authority.*** Current law authorizes, until July 1, 2017, 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. This bill requires districts to accept as compliant with residency requirements a student whose parent works and lives within the boundaries of the district at least three days during the school week.

It is unclear why a sunset was imposed on the existing authority for school districts to accept students whose parent works within the district for a minimum of 10 hours per week. Staff was able to trace legislation back only so far as 1994; the sunset was already in place at that time. Records show that this sunset has been extended five times since 1994, with no apparent rationale listed in the analyses of the bills extending the sunset.

Staff was unable to obtain data regarding the extent to which school districts exercise their authority to deny residency to students whose parent works within the district boundaries.

It appears possible for existing provisions to co-exist with the provisions of this bill; school districts have the authority to admit a student but parents have fewer conditions to meet, and districts would be required to admit a student but parents would be required to meet a higher threshold of conditions.

4. ***Can a student be a resident of two school districts?*** For purposes of school attendance, a student is generally a resident of only one school district, even when living in more than one household. This concept is not unprecedented; many students have parents that are divorced, or otherwise not living in the same school district, where children reside at both residences but attend school in only one school district.

5. ***Four-day school week.*** Current law authorizes nine school districts to operate on a four-day school week. This bill does not provide allowances for four-day school weeks or shortened weeks such as the first and last weeks of the school year; parents would still need to work and live in the district for a minimum of three days per school week.
6. ***Related and prior legislation.***

#### *RELATED LEGISLATION*

AB 1101 (Bonilla, 2015) requires a school district that investigates whether a student actually meets residency requirements to adopt a policy regarding the investigation and provide written notice to the parent. AB 1101 is pending referral in the Assembly.

SB 445 (Liu, 2015) extends to homeless youth the right to remain in the school of origin, as is currently provided to foster youth. SB 445 is pending referral in the Senate.

#### *PRIOR LEGISLATION*

AB 207 (Ammiano, Ch. 435, 2011) required school districts to accept reasonable evidence that the student meets residency requirements, and requires reasonable evidence to be established by documentation showing the name and address of the parent within the school district. AB 207 further specified that such documentation includes, but is not limited to, property tax payment receipts; rental property contract, lease or payment receipts; utility service contract, statement, or payment receipts; pay stubs; voter registration; correspondence from a government agency; and, declaration of residency executed by the parent or legal guardian.

#### **SUPPORT**

American Federation of State, County and Municipal Employees  
California Domestic Workers Coalition  
California Immigrant Policy Center  
Mujeres Unidas y Activas  
United Domestic Workers of America/American Federation of State, County and  
Municipal Employees Local 3930

#### **OPPOSITION**

None on file.

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