
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No:	AB 2949	Hearing Date:	June 6, 2018
Author:	Gloria		
Version:	April 3, 2018		
Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: Pupil residency: pupils of military families.

NOTE: This bill has been referred to the Committees on Education and Veterans Affairs. A "do pass" motion should include referral to the Committee on Veterans Affairs.

SUMMARY

This bill extends the right to remain in the school of origin to students who are children of a military family, which is currently provided to students who are in foster care or who are homeless.

BACKGROUND

Existing law:

- 1) Provides that each person between the ages of 6 and 18 years is subject to compulsory full-time education, and requires such persons to attend the public full-time day school for the full time designated as the length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located. (Education Code § 48200)
- 2) Requires local education agencies (LEAs) to allow a foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court after changing residential placement. (EC § 48853.5)
- 3) Requires, if the jurisdiction of the court is terminated prior to the end of an academic year, the foster youth must be allowed to continue in the school of origin through the duration of the school year. Requires, if the foster youth is transitioning between grade levels, including transitions to middle or high school and even if the school designated for matriculation is in another school district, the school district to allow the foster youth to matriculate with his or her peers. (EC § 48853.5)
- 4) Defines "school of origin" as the school the foster child attended when he or she was permanently housed or the last school in which the foster child was enrolled. If the school the foster child attended when permanently housed is different from the school of last attendance, or if there is another school that the foster child attended with which the child is connected and the child attended within the immediately preceding 15 months, the educational liaison, the foster child and the person holding educational rights shall determine the school that shall be

deemed the school of origin. (EC § 48853.5)

- 5) Requires local educational agencies (LEAs) to allow, at the point of any change or any subsequent change in residence once a child becomes homeless, a homeless child to continue his or her education in the school of origin through the duration of homelessness.
(EC § 48852.7)
- 6) Requires the LEA, if the homeless child's status changes before the end of the academic year so that he or she is no longer homeless, either of the following to apply:
 - a) If the homeless child is in high school, the LEA must allow the formerly homeless child to continue his or her education in the school of origin through graduation.
 - b) If the homeless child is in kindergarten or any of grades 1-8, the LEA must allow the formerly homeless child to continue his or her education in the school of origin through the duration of the academic year.
(EC § 48852.7)

ANALYSIS

This bill extends the right to remain in the school of origin to students who are children of a military family, which is currently provided to students who are in foster care or who are homeless. Specifically, this bill:

- 1) Requires the LEA serving a student who is a child of a military family to do either of the following:
 - a) Allow the student to continue his or her education in the school of origin for the duration of the school year, regardless of any change of residence of the military family during that school year.
 - b) For a student whose status changes due to the end of military service of his or her parent during a school year, comply with either of the following, as applicable:
 - i) If the student is enrolled in kindergarten or any of grades 1-10, allow the student to continue his or her education in the school of origin through the duration of that school year.
 - ii) If the student is enrolled in grade 11 or 12, allow the student to continue his or her education in the school of origin through graduation.
- 2) Provides that, unless otherwise required by federal law, this bill does not require a LEA to provide transportation services to allow a student to attend a school pursuant to this bill.

- 3) Defines the following:
 - a) “Local educational agency” as a county office of education, a school district, or a charter school.
 - b) “Pupil who is a child of a military family” as a school-aged child or children, enrolled in kindergarten through grade 12, in the household of an active duty member.
 - c) “School of origin” as the school in which the student is enrolled at the time that a change in residence occurs.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “United States active duty service members typically receive a Permanent Change of Station every three to four years due to mission and training requirements. Children of military families change schools up to nine times, on average, before graduating. These children are often times forced to experience additional, unnecessary school changes due to military housing availability and district policies that require that students enroll in the school district of their new residence during the school year. AB 2949 would minimize additional school disruptions for military students by giving military families the option of completing the current academic year at their school of original enrollment.”
- 2) ***Parity.*** This bill is consistent with existing law relative to the ability for foster or homeless youth to remain in the school of origin. Current law extends to foster youth, homeless youth, and students of military families an exemption from local high school graduation requirements, the awarding of partial credit for completed coursework.

Staff recommends an amendment to grant further parity to students of military families by requiring, if the student is transitioning between grade levels, including transitions to middle or high school and even if the school designated for matriculation is in another school district, the school district to allow the student of a military family to matriculate with his or her peers.

- 3) ***Interstate Compact on Educational Opportunity for Military Children.*** The United States Department of Defense, in collaboration with the National Center for Interstate Compacts and the Council of State Governments, developed the Interstate Compact on Educational Opportunity for Military Children (Compact) to address educational transition issues of children of military families.

The goal of the Compact is to ensure that the children of military families are afforded the same opportunities for educational success as other children, and are not penalized or delayed in achieving their educational goals. States participating in the Compact work to coordinate graduation requirements, transfer of records, course placement, and other administrative policies. According to the Department of Defense, all 50 States and the District of Columbia participate in the interstate compact. California adopted the Compact in the state’s Education

Code in 2009.

The Interstate Compact on Educational Opportunity for Military Children (Compact) addresses a number of topics, including:

- a) Timely enrollment.
- b) Transfer of school records.
- c) School placement.
- d) Eligibility for enrollment and participation in school programs, athletics, and extracurricular activities.
- e) On-time graduation.

The Compact does not speak generally to the right of students to remain in their schools of origin when their parents' residence changes, but does state that a transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis, who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

A 2014 review of the implementation of the Compact in California by the California Department of Education (CDE) found variations in implementation across districts. The report suggested that California undertake a more comprehensive effort to ensure that school district personnel and military families are maximally familiar with the provisions of the Compact so that its provisions are applied consistently. The report also found that California's membership in the Compact has substantially aided both school districts and military families by alleviating many of the educational difficulties military children encounter in their frequent moves from a school in one state to a school in another state.

- 4) ***Military student identifier.*** Local educational agencies must be able to identify students from military families in order to comply with the requirements of state law, this bill, and the Interstate Compact on Educational Opportunity for Military Children. While a past legislative attempt to create a state-level military student identifier was unsuccessful (see prior legislation below), California is required to create one to comply with federal law. According to the Education Commission of the States, the Every Student Succeeds Act requires states to identify military students with a unique military identifier, which will allow military student data to be analyzed as a separate, self-contained subgroup. The identifier is intended to help assess military student performance, as well as help to understand the relationship between military life and dependent child development. In November of 2017, the CDE issued an update to schools which stated that it had just received permission to collect military student data, as required by federal law. The CDE asked local educational agencies to submit these data if available, and if not, prepare to collect and report the data in 2018–19.

- 5) **Related legislation.** AB 2121 (Caballero) extends to students who are migratory children and to students participating in a newcomer program certain rights regarding exemptions from local graduation requirements and acceptance of partial credit that are currently afforded to other groups of highly mobile students, and extends the applicability of those provisions to charter schools. AB 2121 is scheduled to be heard by this Committee on June 6, 2018.
- 6) **Prior legislation.** AB 2341 (Quirk-Silva, 2014) would have added an indicator to the California Longitudinal Pupil Achievement Data System to identify students of military families, and would have required local educational agencies to report enrollment of students of military families, as specified. AB 2341 was held in the Senate Appropriations Committee.

SUPPORT

American Academy of Pediatrics, California
California School Boards Association
California School Employees Association
Department of the Navy, Commander Navy Region Southwest
Marine Corps Installations West
San Diego Regional Chamber of Commerce's Defense, Veterans & Military Affairs
Committee
San Diego Unified School District

OPPOSITION

None received

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