

Date of Hearing: June 17, 2015

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 200 (Lara) – As Amended March 25, 2015

**SENATE VOTE:** 35-0

**SUBJECT:** Pupils: school district residency requirements.

**SUMMARY:** Provides that a pupil complies with the residency requirements for school attendance in a school district if the pupil's parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

**EXISTING LAW:** Provides that a pupil complies with the residency requirements for school attendance in a school district if he or she is any of the following:

- 1) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code;
- 2) A pupil who is a foster child who remains in his or her school of origin;
- 3) A pupil for whom interdistrict attendance has been approved;
- 4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation;
- 5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district; or
- 6) A pupil residing in a state hospital located within the boundaries of that school district.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, " Any costs associated with this bill are estimated to be minor, as it would generally constitute a shift in funding to the school district of the parent's employer where the parent and pupil live at least three days per week, to the extent these students are not already attending school in that school district as authorized by current law. The net effects of students transferring to other school districts as a result of this bill are unlikely to cause significant costs to the state. This bill may result in a reimbursable state mandate; however, because state funding is provided to school districts for student attendance, it is unlikely to impose significant costs to the state.

**COMMENTS:** This bill is in response to an event in which the Orinda Unified School District expelled the second-grade daughter of a live-in nanny of a family that resides in the district. According to newspaper accounts, the nanny and her daughter live in the district in the house of the nanny's employer five days a week, but stay with relatives outside of the district on

weekends. The district hired a private investigator to gather information related to the student's residency. Citing the need for student confidentiality, the district did not disclose the reasons for its decision. After negative publicity, however, the district reversed its decision on the basis of unspecified "additional information" it had received. Although this case was ultimately resolved, the author's office asserts that this is not an isolated situation, and that "across the state caregivers, nannies, and other workers whose jobs require them to stay overnight are faced with major obstacles to enrolling their children in school."

While existing law authorizes districts to enroll such children, they are not required to do so. **This bill** would require districts to enroll them if they reside with a parent or legal guardian at their place of employment within the boundaries of the district at least three days during the school week.

**Related legislation.** AB 1101 (Bonilla), which is pending in the Senate Education Committee, provides that, if a school district elects to undertake an investigation to determine a pupil's residency, the governing board of the school district first shall adopt a policy regarding the conduct of such investigations. AB 1101 is in response the Orinda USD's use of a private investigator to surreptitiously gather information on the student.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Advancement Project  
California Immigrant Policy Center  
California Teachers Association  
The Homecare Providers Union  
Public Advocates

##### **Opposition**

None received

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