



# CLIENT NEWS BRIEF

October 2011

Number 57

## GOVERNOR SIGNS LEGISLATION REGARDING RESIDENCY REQUIREMENTS, STUDENT RECORDS, AND SCHOOL SAFETY PLANS

### Residency Requirements

The Governor signed two bills that address student residency requirements.

Assembly Bill (AB) 207 creates Education Code section 48204.1, which requires school districts to accept a wide range of documents from parents or guardians as proof that their student meets residency requirements, including property tax payment receipts, rental property contracts, utility service contracts, pay stubs, voter registration, and declarations of residency. However, school districts may conduct reasonable investigations when it is suspected that false or unreliable information has been provided.

AB 207 also repeals Education Code section 48204.6, which currently requires school districts adjacent to international borders to accept a wide range of documents for purposes of establishing residency, and to conduct reasonable investigations to determine whether a student meets residency requirements. This provision will no longer be necessary once section 48204.1 is effective, as the new law will apply to students seeking enrollment in any California school district, whether or not adjacent to an international border.

Additionally, Senate Bill (SB) 381 extends the sunset date for Education Code section 48204(b), commonly referred to as the "Allen Bill," from July 1, 2012, to June 30, 2017. Section 48204 allows a student to attend school in a district, through grade 12, so long as at least one of the student's parents or legal guardians works within the district's attendance boundaries. Under section 48204 (b) as amended, in order for a student to seek a transfer or establish residency, the student's parent or legal guardian must be employed for at least 10 hours per school week within the boundaries of the district.

### Student Records

AB 143 makes changes to Education Code sections 49061 and 49076 regarding student directory information and the release of student records.

AB 143 changes the definition of "directory information" in section 49061 to include a student's email address, and exclude a student's place of birth.

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Currently, district attorneys and probation officers may access student records to investigate criminal conduct, ward of the court determinations, and probation violations. AB 143 amends Education Code section 49076 to authorize attorneys who represent minor students to access student records for these same purposes. The bill also deems probation officers, district attorneys, and students' attorneys "local officials" for purposes of federal law—specifically, 34 C.F.R. section 99.31(a)(5)(i) under the Family Educational Rights and Privacy Act (FERPA)—regarding the release of student records. Records obtained pursuant to these provisions are subject to specified evidentiary rules in juvenile court proceedings. Additionally, public officials who receive student records will now be required to certify in writing to school districts that the information they receive will not be disclosed to another party without the prior written consent of the student's parent or other holder of the student's educational rights, subject to specific exemptions under federal and state law.

AB 143 also authorizes the release of student records to those not normally permitted access, if the records are redacted to exclude personally identifiable information.

## Comprehensive School Safety Plans

Under current law, schoolsite councils at school districts or county offices of education are responsible for developing comprehensive school safety plans. Under Education Code section 32281, as amended by AB 680, a school district or county office of education may develop the parts of a comprehensive school safety plan that address tactical responses to violent crimes resulting in death or serious injury at school in consultation with law enforcement and union representatives, without the schoolsite council's involvement. These portions of the school safety plan may be exempted from public disclosure. Additionally, governing boards may meet in closed session with law enforcement officials to approve the tactical response plans.

The four bills described above go into effect on January 1, 2012. If you have questions or would like additional information on these changes to the law, or any other issues regarding residency requirements, student records, or school safety plans, please contact one of our [eight offices](#) located statewide or visit our [website](#).

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