
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 3086 **Hearing Date:** June 13, 2018
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Urgency: No **Fiscal:** No
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Subject: Interdistrict attendance: prohibition on transfers by a school district of residence.

SUMMARY

This bill prohibits a school district of residence from denying the transfer to another school for students who are homeless, in foster care, migratory, or victims of bullying.

BACKGROUND

Existing law:

Residency requirements

- 1) Requires each person between the ages of 6 and 18 years to attend public school for the full length of the schoolday as designated 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 a parent or guardian of a minor between the ages of 6 and 16 years who removes the minor from a school district before the completion of the current school term to enroll the minor in a public full-time school of the school district to which the minor is moved. (EC § 48201)
- 3) Provides that a student complies with the residency requirements for school attendance in a school district if he or she is any of the following:
 - a) A student placed within the boundaries of that school district in a regularly established licensed children's institution, a licensed foster home, or a family home.
 - b) A student who is a foster child who remains in his or her school of origin.
 - c) A student for whom interdistrict attendance has been approved.
 - d) An emancipated student whose residence is located within the boundaries of that school district.
 - e) A student who lives in the home of a caregiving adult that is located within the boundaries of that school district.

- f) A student residing in a state hospital located within the boundaries of that school district. (EC § 48204) Existing law provides that a student with a temporary disability residing in a hospital or other residential health facility, excluding a state hospital, which is located outside of the school district in which the parent or guardian resides is deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located. (EC § 48207)
- g) A student whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the student 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. (EC § 48204)
- 4) Authorizes a school district to deem a student to have complied with the residency requirements for school attendance if at least one parent or the legal guardian is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week. (EC § 48204)
- 5) Authorizes the school district of residence or the receiving school district to prohibit the transfer if the school district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the school district. (EC § 48204)
- 6) Authorizes the receiving school district to prohibit the transfer if the school 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)
- 7) Provides that a student complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. Existing law requires a school district to accept applications by electronic means for enrollment, including enrollment in a specific school or program within the school district, and course registration. (EC § 48204.3)

Interdistrict transfer

- 8) Authorizes two or more school districts to enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of students to a school district other than the school district of residence. Existing law requires the agreement to stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (EC § 46600)
- 9) Requires that a student who has been determined by personnel of either the school district of residence or the receiving school district to have been the victim of an act of bullying committed by a student of the school district of residence to be given priority for interdistrict attendance under any existing interdistrict

attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement. (EC § 46600)

- 10) Prohibits a school district of residence, regardless of whether an agreement exists or a permit is issued pursuant to this section, from denying the transfer of a student who is a child of an active military duty parent if the receiving school district approves the application for transfer. (EC § 46600)
- 11) Provides for a process to appeal a request for an interdistrict transfer. (EC § 46601)
- 12) Authorizes a unified school district, whose boundaries are coterminous with the boundaries of a county and is contiguous to an adjoining state, to provide for the education of all or any number of the high school students who reside in the district by the attendance of these students at the schools of an adjoining state by agreement. (EC § 46609)

ANALYSIS

This bill:

- 1) Prohibits a school district of residence, regardless of whether an interdistrict transfer agreement or permit exists, from prohibiting the transfer of a student to a school district of proposed enrollment if the receiving school district approves the application for transfer and the student is any of the following:
 - a) Currently, or at any time within the previous five school years, a homeless child or youth (as defined by the federal McKinney-Vento Homeless Assistance Act).
 - b) A currently migratory child or former migratory child (as defined by existing law).
 - c) A victim of an act of bullying.
- 2) Requires a school district of proposed enrollment that elects to accept an interdistrict transfer to accept all students who apply to transfer until the school district is at maximum capacity.
- 3) Requires a school district of proposed enrollment to ensure that students admitted are selected through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether or not a student should be enrolled based on his or her academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics protected by law, including but not limited to race or ethnicity, gender, gender identity, gender expression, and immigration status.

- 4) Requires a school district of enrollment to provide transportation assistance to a student who is eligible for free or reduced-price meals, upon request of the parent or guardian on behalf of a student who is eligible for transfer.
- 5) Authorizes a school district of enrollment to provide transportation assistance to any student admitted pursuant to interdistrict transfer.
- 6) Defines “victim of an act of bullying: as a student that has been determined to have been a victim of bullying by an investigation pursuant to an existing complaint process and the bullying was committed by any student in the school district of residence, and the parent has filed a written complaint regarding the bullying with the school, school district personnel, or a local law enforcement agency.
- 7) States legislative intent that the amount of transportation assistance provided to a student not exceed the supplemental grant received, if any, for the student.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Interdistrict transfers are not a guaranteed method for school transfer to all who apply to the school of their choice, even when the school district of enrollment is willing to have them, other than children of active military duty parents. This is because under current law, the school district of residence is authorized to veto a transfer request unless the school of enrollment is in the parent or guardian’s zip code of employment or if the student is a child of active military duty parents. Public school students struggling to attend school, and struggling to find the alternative best-fit public school to meet their needs should not be red-lined into school attendance based on zip-code or school district boundary lines. Children and families with foster, homeless, migratory or bullied youth struggle to address the extra burdens and challenges in their lives while finding stability in the public school that best meets their child’s needs.”
- 2) ***Expands existing law.*** Existing law prohibits a school district of residence, regardless of whether an interdistrict transfer agreement or permit exists, from prohibiting the transfer of a student who is a child of an active military duty parent. Existing law requires schools to give priority for interdistrict attendance to a student who has been the victim of bullying. This bill prohibits schools from denying the interdistrict transfer of students who have been victims of bullying, as well as students who are homeless, migratory, or in foster care.
- 3) ***Existing school choice options.*** This bill relates to interdistrict transfers. Existing law provides the following public school options:
 - a) ***Charter Schools.*** There are over 1,000 public charter schools in the state that provide instruction in any combination of grades kindergarten through grade 12. Parents, teachers, or community members may initiate a charter petition, which includes the specific goals and operating procedures for the charter school. While most charter schools offer

traditional, classroom-based instruction, about 20 percent offer some form of independent study, such as distance learning or home study.

- b) *Magnet Schools.* Magnet schools are designed by local authorities to attract parents, guardians, and students who are free to choose the school in which they enroll. These programs and schools are established by district governing boards that can make a wide range of choices depending upon their local needs and resources. Magnet schools and programs include those that provide unique instruction in the arts, in various sciences, and in career education. Others reflect a district strategy to achieve racial and ethnic balance. When one or more magnets are established at a particular school, students from across the district may select the magnet subject to available space.
- c) *District of Choice (DOC) Program.* This program allows a student to transfer to any district that has deemed itself a DOC and agreed to accept a specified number of transfers. DOC may not use a selective admissions process. Transfer students generally do not need the consent of their home districts.
- d) *Interdistrict Permits.* These allow a student to transfer from one district to another district provided both districts consent to the transfer and the student meets any locally determined conditions. Districts receiving these transfer students may require students to meet certain attendance and/or academic standards.
- e) *Parental employment transfers.* These allow a student to transfer into a district if at least one parent is employed within the boundaries of that district and that district has chosen to accept parental employment transfers. Transfer students generally do not need the consent of their home districts.
- f) *The Open Enrollment Act.* This option, for low-performing schools, allows a student attending a school with low performance on state tests to transfer to another school inside or outside the district that has a higher level of performance and space available. Transfer students generally do not need the consent of their home districts.

Beyond the public school options, about 7.5 percent of California students are enrolled in private schools, a proportion that has gradually dropped over the past two decades from about 10 percent.

- 4) ***Related legislation.*** AB 1482 (Kiley, 2017) prohibited a school district of residence from denying the transfer of a student who is an English learner, eligible for a free or reduced-price meal, or a foster youth to a district of proposed enrollment if the school district of proposed enrollment approves the application for transfer. AB 1482 failed passage in the Assembly Education Committee.

AB 2826 (Friedman) clarifies definitions and timelines in existing law relating to interdistrict transfers, requires school districts to post specified information on

their website, requires specified notifications to parents to be in writing, and places limits on provisional enrollment. AB 2826 is pending in this Committee.

SUPPORT

Alliance for a Better Community
California Catholic Conference
Common Sense Kids Action
EdVoice
Families in Schools
Great Public Schools Now
InnerCity Struggle
Innovate Public Schools
Kids Coalition
Learning Rights Law Center
Parent Revolution
SHIELDS For Families
Speak Up
United Parents & Students
United Way of Greater Los Angeles

OPPOSITION

None received

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