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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 1127 **Hearing Date:** June 5, 2019  
**Author:** Luz Rivas & Robert Rivas  
**Version:** April 22, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** Interdistrict attendance: prohibition on transfers by a school district of residence.

## SUMMARY

This bill requires a school district of residence to approve an *intradistrict* transfer request for a victim of an act of bullying, and requires a school district of proposed enrollment that elects to accept an *interdistrict* transfer to accept all students to apply pursuant to this bill, as specified.

## 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 school district of proposed enrollment 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. (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:

### *Intradistrict transfer*

- 1) Requires a school district of residence to approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the school district is required to accept an intradistrict transfer request for a different school in the school district.

### *Interdistrict transfer*

- 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 who are 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 academic or athletic performance, physical condition, proficiency in English, family income, or any of protected characteristics (race or ethnicity, gender, gender identity, gender expression, and immigration status).
- 4) If the school district of residence has only one school offering the grade level of the victim of an act of bullying and therefore there is no option for an *intradistrict* transfer, authorizes a victim of an act of bullying to apply for an *interdistrict* transfer regardless of whether an interdistrict transfer agreement exists or a permit is issued.
- 5) Prohibits the school of residence from prohibiting the interdistrict transfer if the school district of proposed enrollment approves the application for transfer (for situations described in # 4).

*Transportation*

- 6) Requires a school district of enrollment, upon request of the parent, to provide transportation assistance to a student who is eligible for free or reduced-price meals.
- 7) Authorizes a school district of enrollment to provide transportation assistance to any student who is admitted.

*Miscellaneous*

- 8) Defines a “victim of an act of bullying” as a student that has been determined to have been a victim of bullying by an investigation, as specified, 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.
- 9) 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, “Students who are victims of bullying should not have to go through additional administrative barriers if they need to transfer schools. Once a formal school investigation has determined that the best option for the student is to change schools, AB 1127 will make it easier for victims of bullying to transfer to another school. Transferring to a new school is not something that is easily granted. Under current law, a student is able to transfer out of the district only if the district of origin and the district of enrollment agree to enter into an interdistrict transfer agreement. In each instance, the district of origin has the ability to deny a request to transfer unless the district of enrollment is a designated District of Choice or the student is a child of an active duty member of the military.”
- 2) ***How does this change existing law?*** Existing law requires school districts to give priority for interdistrict attendance to students who have been bullied, but does not specifically require school districts of residence to approve requests for interdistrict transfer, or for school districts of proposed enrollment to accept such students.
- 3) ***Existing school choice options.*** This bill relates to intradistrict and 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) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose:
  - a) Minor Proposition 98 General Fund cost pressures to school districts to verify a student is being bullied and to organize the student's intradistrict or interdistrict transfer.
  - b) Minor Proposition 98 General Fund cost pressures to the extent supplemental funding school districts receive to serve low-income students is insufficient to provide transportation assistance to students.

- c) If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to school districts or provide funding through the K-12 Mandate Block Grant.
- 5) **Prior legislation.** AB 3086 (Kiley, 2018) would have prohibited 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. AB 3086 was vetoed by Governor Brown, whose veto message read:

***This bill prohibits a school district of residence from denying the transfer out of the district for students who are homeless, in foster care, or victims of bullying. The bill requires the district of enrollment to provide transportation to these transfer students and admit all students until the school district is at maximum capacity.***

***It is unclear what problem this bill is trying to solve and whether there is a statewide issue requiring a solution. There are already many other existing school choice options available to parents. This bill will only further complicate an already complicated array of statutes without evidence that parents need or will utilize this option.***

AB 1482 (Kiley, 2017) would have 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.

## **SUPPORT**

Disability Rights California  
National Association of Social Workers, California Chapter

## **OPPOSITION**

None received

**-- END --**