
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 2826 **Hearing Date:** June 13, 2018
Author: Friedman
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Urgency: No **Fiscal:** No
Consultant: Lynn Lorber

Subject: Pupil enrollment: interdistrict attendance.

SUMMARY

This bill clarifies definitions and timelines in existing law relating to interdistrict transfers, requires school districts to post specified information on their website, and places limits on provisional enrollment.

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:

Post on websites

- 1) Requires each school district of residence and school district of proposed enrollment to post on its website the procedures and timelines, including a link to the policy of the school district, regarding a request for an interdistrict transfer permit in a manner that is accessible to the public without a password.
- 2) Requires the information posted to include but is not limited to:
 - a) The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
 - b) The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
 - c) If applicable, the process and timelines by which a denial of a request may be appealed within the school district before the school district renders a final decision.
 - d) That failure of the parent to meet any timelines established by the school district to be deemed an abandonment of the request.
 - e) Applicable timelines for processing a request, including statements that the school district shall do both of the following:

- i) Notify a parent submitting a current year request of its final decision within 30 calendar days from the date the request was received.
 - ii) Notify a parent submitting a future year request of its final decision as soon as possible, but no later than 14 calendar days after the beginning of instruction in the school year for which interdistrict transfer is sought.
- f) The conditions under which an existing interdistrict transfer permit may be removed or rescinded.
- 3) Requires a school district that denies a request for an interdistrict transfer to advise the parent, in writing, of the right to appeal to the county board of education within 30 calendar days from the date of the final denial.
- 4) Requires any written notice to parents regarding a school district's decision to conform to the translation requirements in existing law and authorizes the written notice to be provided using any of the following methods:
- a) Regular mail.
 - b) Electronic format, if the parent provides an email address.
 - c) By any other method normally used to communicate with parents in writing.

Appeals

- 5) Streamlines the appeal process by providing a timeline, for a parent to appeal a school district's decision, of within 30 calendar days of the school district's final decision, rather than providing a timeline for school districts to advise a parent of the right to appeal.
- 6) Deletes existing provisions related to notification of the right to appeal for a parent who requested an interdistrict transfer within 14 calendar days after the beginning of instruction in a new term.
- 7) Deletes the requirement that school districts provide specified information to people making unsuccessful requests for interdistrict transfer; this information remains in law as part of the appeal process.
- 8) Deletes the requirement that, if the interdistrict transfer involves school districts located in different counties, the county board of education having jurisdiction over the school district denying a permit or refusing to enter into an interdistrict transfer agreement to have jurisdiction for purposes of an appeal. (See Comment # 2)
- 9) Clarifies that appeals may be accepted by a county office of education only upon verification that appeals within the school districts have been exhausted *within*

the established timelines.

- 10) Clarifies that the decision by a county board of education must be rendered within 10 *calendar* days of receiving the decision recommended by a hearing officer.
- 11) Modifies the existing requirement for county boards of education to provide written notice to parents and school districts of the decision to permit a student to attend the school district of proposed enrollment to require the notice to conform to existing translation requirements, and authorizes the written notice to be provided using any of the following methods:
 - a) Regular mail.
 - b) Electronic format, if the parent provides an email address.
 - c) By any other method normally used to communicate with parents in writing.

Provisional attendance

- 12) Provides that a student is eligible for provisional attendance only upon providing reasonable evidence that a final decision for a request for interdistrict transfer is pending either with the school district of residence, the school district of proposed enrollment, or the county board of education.
- 13) Provides that the period of provisional attendance begins on the first day of the student's attendance in school.
- 14) Prohibits the student from being allowed to continue attendance if a decision has not been rendered by the conclusion of two school months, and the school districts or county board of education are still operating within the prescribed timelines. This bill clarifies that the student is subject to compulsory full-time education and must enroll in the school district of residence or in another educational program.
- 15) Prohibits provisional attendance from guaranteeing that a school district or county board of education will approve a request for interdistrict transfer.

Miscellaneous

- 16) Adds transitional kindergarten to the grades for which school districts have the authority to enter into interdistrict transfer agreements.
- 17) Clarifies the prohibition against revoking a transfer permit for students entering grade 11 or 12, to prohibit such revocation *after June 30 following the completion of grade 10, or for students in grade 11 or 12.*
- 18) Strengthens the existing priority for interdistrict attendance for students who have been victims of bullying by striking reference to such transfer under any existing

interdistrict attendance agreement or giving consideration to the creation of an interdistrict attendance agreement.

- 19) Modifies the process of granting of an individual permit to transfer to provide that the designee of the superintendent, rather than the supervisor of attendance, is to grant such permits.
- 20) Clarifies that the school district in which a student desires to attend is the *school district of proposed enrollment*.
- 21) Updates the definition of “parent” to include a person who holds educational rights as determined by a court.
- 22) Provides the following definitions:
 - a) “Class 1 county” and “class 2 county” as defined in current law (class 1 is a county with 1994/95 countywide average daily attendance (ADA) of more than 500,000; class 2 is a county with 1994/95 countywide ADA of at least 180,000 but less than 500,000).
 - b) “County board of education” as the county board that has jurisdiction over the school district denying the permit.
 - c) “Current year request” as a request for interdistrict transfer received beginning 15 calendar days before the beginning of instruction in the school year for which interdistrict transfer is sought.
 - d) “Denial,” for purposes of appealing to the county board of education, includes a school district’s failure to provide written notification of the school district’s decision within the prescribed timelines. This bill provides the “denial” does not include any of the following:
 - i) A request that has been deemed abandoned.
 - ii) An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the governing board of the school district.
 - iii) A denial by the school district of proposed enrollment when no permit has been first issued by the school district of residence.
 - e) “Future year request” as a request for interdistrict transfer received up until 15 calendar days before the beginning of instruction in the school year for which interdistrict transfer is sought.
 - f) “School district of proposed enrollment” as a school district other than the school district in which the parent of a student resides, but in which the parent nevertheless intends to enroll the student.

- g) “School district of residence” as a school district in which the parent of a student resides and in which the student would otherwise be required to enroll.

STAFF COMMENTS

- 1) ***Need for this bill.*** According to the author, “Requests for interdistrict transfers are often time sensitive and can create anxiety for families and children who want certainty on where they can attend school. The education code sections for interdistrict transfer requests and appeals are complex with a variety of terms and timelines that are difficult to follow. The majority of transfer requests are made in the spring of each year in order for students to begin the next school year at their new school. The timelines in current statute vary between schooldays and calendar days. At the local level, districts establish procedures for processing, decision-making and for some, appeals or waitlists. County boards also see high volumes of appeals at certain times of the year. To provide more clarity in the timelines and responsibilities of districts and counties, a workgroup of practitioners began meeting in 2017. The workgroup developed definitions of terms and outlined the responsibilities of districts and counties and proposed to make them distinct in code so that it is more transparent.”
- 2) ***Changes in policy.*** This bill requires school districts to post on their websites information relative to the interdistrict transfer process and timelines, including statements that the school district shall do both of the following:
 - a) Notify a parent submitting a current year request of its final decision within 30 calendar days from the date the request was received.
 - b) Notify a parent submitting a future year request of its final decision as soon as possible, but no later than 14 calendar days after the beginning of instruction in the school year for which interdistrict transfer is sought.

Existing law requires the annual notification to parents at the beginning of the school year to include a description of the procedures for application for alternative attendance areas or programs, an application form from the school district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. In addition, this bill requires a school district to post on its website, in a readily accessible manner, the locally adopted policies, procedures, and timelines relating to interdistrict transfers.

Existing law requires the school district to advise the parent if the request is denied or the districts involved fail to enter into an agreement, but does not specify the form of that notification. This bill requires the notification to the parent of their right to appeal a denial of an interdistrict transfer request to be in writing and to conform to existing requirements for translation.

Existing law provides that, in situations where the school district of residence and the school district of proposed enrollment are in different counties, an appeal should be handled by the county board of education having jurisdiction over the

school district denying a permit, or refusing or failing to enter into an interdistrict transfer agreement. However, existing law also provides that, if two school districts in different counties deny a permit or fail to enter into an agreement, the county board of education having jurisdiction must seek concurrence with the other county board of education and that if the two county boards do not agree, the appeal is to be denied. This bill removes this conflicting provision, and defines “county board of education” as the county board that has jurisdiction over the school district denying the interdistrict transfer permit.

- 3) **Author’s amendment.** Existing law defines “parent,” for purposes of interdistrict transfer, as the natural or adoptive parent or guardian of a dependent child. This bill modifies that definition to include “the person having legal custody, which includes a person with educational rights as determined by a court of competent jurisdiction.” The author wishes to amend this definition as follows:

On page 4, lines 39-40, and page 5 lines 1-2: “Parent” means the natural or adoptive parent or guardian, ~~or the person having legal custody, which includes a~~ **or other** person with educational rights ~~as determined by a court of competent jurisdiction.~~

- 4) **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 include 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.

- 5) ***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 3086 (Kiley) prohibits a school district of residence from denying the transfer to another school for students who is homeless, in foster care, migratory, or a victim of bullying. AB 3086 is scheduled to be heard by this Committee on June 13.

- 6) ***Prior legislation.*** AB 1208 (Friedman, 2017) modified the timeframe for a school district to approve or deny a request for interdistrict attendance and the timeline for the right to appeal such a decision. AB 1208 was never heard.

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 (but did not contain prohibitions against discrimination or selective admissions, and specifically exempted the transfer of these students from existing requirements for interdistrict attendance agreements to stipulate the terms and conditions under which interdistrict attendance will be permitted and denied). AB 1481 failed passage in the Assembly Education Committee.

SUPPORT

Los Angeles County Office of Education (co-sponsor)
Orange County Department of Education (co-sponsor)

OPPOSITION

None received

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