

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

AB 1412 (Jeff Gonzalez) – As Introduced February 21, 2025

**[This bill was double referred to the Committee on Veterans Affairs, and may be heard by that Committee on issues in its jurisdiction.]**

**SUBJECT:** Special education: pupil transfers: residency requirements: records

**SUMMARY:** Makes changes to special education requirements pertaining to enrollment, records transfer, and comparable services for military-connected students. Specifically, **this bill:**

- 1) States that students eligible under the federal Individuals with Disabilities Education Act (IDEA), Section 504 of the federal Rehabilitation Act of 1973 (Section 504) or the federal Americans with Disabilities Act (ADA) of 1990 meet the residency requirements of a school district when their parent is transferred or is pre-enrollment in a school district of 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. This practice is known as “advance enrollment.”
- 2) Requires that, upon notification that a pupil may be eligible to receive services or accommodations pursuant to the IDEA, Section 504, or the ADA, a school district promptly coordinates with the pupil’s parents and previous school to ensure the timely exchange of records and to reduce any delays in the pupil receiving comparable services or accommodations from the school district.
- 3) For all students transferring from another state into a California local educational agency (LEA), requires a receiving LEA to, within 30 days, either adopt and implement the Individualized Education Program (IEP) previously adopted for the pupil or develop, adopt, and implement a new IEP for the pupil that is consistent with federal and state law, if applicable.
- 4) Require that, for a student transferring into an LEA from outside of California, the new school take reasonable steps to promptly obtain the pupil’s records, consistent with the Interstate Compact on Educational Opportunity for Military Children.
- 5) Requires that the new school in which the individual with exceptional needs enrolls accept unofficial records provided by the pupil’s parent or guardian pending validation by the official records, consistent with the requirements of the Interstate Compact on Educational Opportunity for Military Children.

**EXISTING LAW:**

- 1) Defines a “student who is a child of a military family” as a school-aged child living in the household of an active duty service member. This is the same definition used in current law for purposes of Interstate Compact on Educational Opportunity for Military Children. (Education Code (EC) 49701)

- 2) States that a pupil complies with the residency requirements for school attendance in a school district, if the pupil is a pupil 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. (EC 48204.3.)
- 3) Requires that, in the case of an individual with exceptional needs who has an IEP and transfers into a district from a district not operating programs under the same local plan in which they were last enrolled in a special education program within the same academic year, the local educational agency provide the pupil with a free appropriate public education, including services comparable to those described in the previously IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the LEA must adopt the previously approved IEP or develop, adopt, and implement a new IEP that is consistent with federal and state law. (EC 56325)
- 4) Requires, in the case of an individual with exceptional needs who transfers from a district outside of California to one in California within the same academic year, the LEA to provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, until the LEA conducts an assessment, if determined to be necessary by the LEA, and develops a new IEP, if appropriate, that is consistent with federal and state law. (EC 56325)
- 5) Requires the new school in which the individual with exceptional needs enrolls to take reasonable steps to promptly obtain the pupil's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled. (EC 56325)
- 6) Requires LEAs, including charter schools, to exempt a student of a military family who transfers between schools any time after the completion of the student's second year of high school from all coursework and other requirements that are in excess of state graduation requirements, unless the school district makes a finding that the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. (EC 51225.1)
- 7) Establishes the Interstate Compact on Educational Opportunity for Military Children, which addresses educational transition issues of children of military families, which, among other provisions:
  - a) Requires a receiving state to make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. States that this does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student; and
  - b) Requires, in the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state to prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission on Educational Opportunity for Military Children. Requires, upon receipt of the unofficial education records by a school in the receiving state, that the school enroll and appropriately place the student based on

the information provided in the unofficial records, pending validation by the official records, as quickly as possible. (EC 49701)

- 8) Prohibits a school district of residence from prohibiting the transfer of a student who is a child of an active-duty military duty parent to a school in any school district, if the school district to which the parents of the student applies approves the application for transfer. (EC 49700)
- 9) Requires that, if an LEA determines that a student of a military family is reasonably able to complete graduation requirements within the students' fifth year of high school, the LEA:
  - a) Inform the student of their option to remain in school for a fifth year to complete the school district's graduation requirements;
  - b) Inform the student about how remaining in school for a fifth year to complete the graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution;
  - c) Provide information to the student about transfer opportunities available through the California Community Colleges; and
  - d) Permit the student to stay in school for a fifth year to complete the graduation requirements. (EC 51225.1)
- 10) Requires that, within 30 calendar days of the date that a student who is a child of a military family may qualify for this exemption, the LEA notify the student and the student's parent or guardian of the availability of the exemption. (EC 51225.1)
- 11) Requires that, if the LEA fails to provide this notice, the student of a military family remain eligible for the exemption. (EC 51225.1)
- 12) Places other requirements on LEAs intended to ensure that students are not required to graduate before the end of their fourth year of high school, that students are aware of the impact of the waived graduation requirements on postsecondary educational institution admission, and that the exemption continues to be in effect even if the student no longer meets the definition of a child of a military family. (EC 51225.1)
- 13) Requires an LEA to accept coursework satisfactorily completed by a student of a military family while attending another public school, even if the student did not complete the entire course, and requires that the student be issued full or partial credit for work completed. (EC 51225.2)
- 14) Prohibits a student who is a child of a military family from being required to take a course if the student has satisfactorily completed the entire course in another school. (EC 51225.2)
- 15) Requires that a student who is the child of a military family be allowed to remain in his or her school of origin, and to matriculate with his or her peers in accordance with the established feeder patterns of school districts. (EC 48204.6)

**FISCAL EFFECT:** This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

**COMMENTS:**

***Need for the bill.*** According to the author, “As a veteran myself, I have seen first-hand the impacts that the military lifestyle can have on children as they navigate their education. Students are often forced to relocate and get reacquainted with new schools many times as their parents are transferred while on active duty to our nation. Students with special needs face even more challenges as they require special education services that are tailored to their needs and those services are often delayed after they transfer schools. This bill would provide a timeline for school districts to implement and adopt those special services and flexibility for students and their families so that the services can be implemented sooner. Addressing these educational and service delays is essential for taking care of our military connected students, especially those with special needs.”

Existing law requires that a student with an existing individualized education program who transfers to a new school district from within the state to immediately receive comparable services to the previously approved IEP for at most 30 days. After 30 days, the new school district must adopt the previously agreed upon IEP or adopt a new IEP. This 30 day timeline does not exist for a student with special needs transfers from out of state. The highly mobile lifestyle of military connected children can lead to educational disruptions. The existing 30 day timeline for IEP implementation/adoption for in-state transfers is beneficial but students who are transferring from out of state do not enjoy this benefit. Existing law also requires the prompt acquisition of student records but it does not allow the use of unofficial records while the official records are pending. This is another obstacle that delays the much needed services for students with exceptional needs.”

***Advance enrollment for military-connected students with disabilities.*** Current law requires that 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 has complied with the residency requirements for school attendance in any school district. This policy is intended to minimize delays in school attendance for students relocating to California due to a military transfer. This bill clarifies that this right applies to students who have IEPs, Individualized Family Service Plans (IFSP), Section 504 plans, or other accommodations under the ADA.

***Comparable services for military-connected students with disabilities.*** Current law requires that students with disabilities who transfer into a new school district from outside California be provided with a free appropriate public education, including services comparable to those described in the previously approved IEP, until it conducts an assessment and develops a new IEP, if appropriate, that is consistent with federal and state law. It also requires the new school to accept unofficial records provided by the pupil’s parent or guardian pending validation by the official records, consistent with the requirements of the Interstate Compact on Educational Opportunity for Military Children.

This bill requires, upon notification that a student is receiving, or may be eligible to receive, services or accommodations pursuant to the IDEA, Section 504, or the ADA, a school to district promptly coordinate with the student’s parents and previous school to ensure the timely

exchange of records and to reduce any delays in the pupil receiving comparable services or accommodations from the school district.

***Transfer of records for military-connected students with disabilities.*** Current law requires that a student's new school take reasonable steps to promptly obtain their records, including the IEP and supporting documents and any other records relating to the provision of special education and related services, from the previous school in which the pupil was enrolled. It also requires, for military-connected students, the new school to accept unofficial records provided by the pupil's parent or guardian pending validation by the official records, consistent with the requirements of the Interstate Compact on Educational Opportunity for Military Children.

This bill requires that, for all students transferring from another state into a California LEA, the receiving LEA, within 30 days, either adopt and implement the IEP previously adopted for the pupil or develop, adopt, and implement a new IEP for the pupil that is consistent with federal and state law. ***The Committee may wish to consider*** that this proposed requirement would apply to all students, not just those who are military-connected (for whom the law entitles them to use unofficial records), and that it may be difficult for LEAs to obtain records from other states in time to meet this 30-day timeframe.

***Military-connected students in California.*** According to the U.S. Department of Defense (DOD), California is home to the largest number of active-duty military personnel in the country, with over 152,000 active duty personnel, representing 12.8 % of the national force stationed within the U.S. According to the Defense Manpower Data Center, as of August 2024 there were 53,607 military connected students of active-duty parents in California. These students are affiliated with 30 different military installations throughout the state, with the largest concentration in San Diego County.

***Service delays for military-connected students with disabilities.*** According to 2021 survey data from 1,100 military families collected by the Ohio State University and Partners in Promise, military-connected students with disabilities may face specific challenges, including:

- Delays in receiving services - an average of 171 days from initial identification;
- Interruptions in services of 5.75 months after a Permanent Change of Station (nearly a quarter of a two-year tour of duty). 77% of those who went without services after a move waited longer than 60 days; and
- Low rates (20%) of the use of the complaint system to address delays or other concerns.

The Military Child Education Coalition (MCEC) Military Kids Now 2020 survey asked respondents for feedback on the provision of special needs services in public and charter schools, among other topics. The survey received responses from over 5,100 military-connected students, parents, veterans, and educators. Of those responding to questions on special needs, around 70% of families reported encountering challenges in implementing an IEP or Incident Action Plan (IAP), while approximately 50% reported that accommodations and supports did not remain in place during a transition. Around 66% reported they could have benefitted from legal advice during moves. The MCEC also noted that parents reported a lack of consistency between schools regarding special education services, with some requiring new testing to confirm eligibility and others offering only a reduced number of services. They voiced concerns about having to learn each new school's policies and the time it took to re-establish services for their child.

***Academic achievement of military-connected students in California is slightly higher than the average.*** Until recently there has been little published data regarding academic outcomes of students from military families. One area of inquiry has been the effect of long parental deployments on students' academic performance, and one study (Richardson, 2011) found that students whose parents have been deployed 19 months or longer have modestly lower scores across all subjects and irrespective of the rank, component, seniority, or gender of the parent. Another study (Engel, 2010) of students in DOD schools found that long deployments and deployments during the month of testing had the most adverse effects, and that evidence suggests that these effects may persist for several years. A 2011 policy brief from the University of Southern California School of Social Work notes that "Living with fear that a parent – or another relative – serving in the military is in danger can traumatize a child to the point where it significantly affects their ability to function in the school environment."

Other research has focused on risk factors that are associated with poor academic outcomes. One study (Sullivan, 2015), using data from the 2013 administration of the California Healthy Kids Survey, found that students from military families had greater odds of experiencing substance use, physical violence, and nonphysical harassment than their peers. Another study (Gilreath, 2016) using the same data set found that California military-connected youth are at a higher risk for suicidal ideation, plans, attempts, and attempts requiring medical care because of suicidal behaviors.

The federal Every Student Succeeds Act (ESSA), enacted in 2015, requires states to identify military students with a unique military identifier, in order to allow military student data to be analyzed as a separate subgroup. The identifier is intended to help assess military student performance, as well as to shed light on the relationship between military life and dependent child development.

Since the 2018-19 school year, California summative assessment data in English language arts and mathematics has been disaggregated for students from military families as a separate subgroup. These data show that, for the 2022-23 school year, 50% of military students met or exceeded standards in English language arts, compared to a statewide average of 47%. In mathematics, 37% of military students met or exceeded standard, compared to a statewide average of 35%.

***Effect of high mobility on academic success.*** According to the DOD, children from military families move an average of six to nine times during a school career, and 33% of these children are in transition annually. A 2012 report by the Military Child Education Coalition for the U.S. Army found that "graduation requirements, tiered diplomas, prerequisite courses, grading variations, and state high stakes testing are all challenges to the student in transition."

Numerous studies indicate that student mobility is associated with poor educational outcomes. One meta-analysis (Mehana, 2004) on the effects of school mobility on reading and math achievement in the elementary grades found the equivalent of a 3–4 month performance disadvantage in achievement. Another study (Reynolds, 2009) found that frequent mobility was associated with significantly lower reading and math achievement by up to a third of a standard deviation, and that students who moved three or more times had rates of school dropout that was nearly one-third of a standard deviation higher than those who were school stable. One longitudinal study (Temple, 1999) found that half of the one-year difference between mobile and

non-mobile students could be attributed to mobility, and that it is “frequent, rather than occasional, mobility that significantly increases the risk of underachievement.” Another longitudinal study (Herbers, 2014) found that students who experience more school changes between kindergarten and twelfth grade are less likely to complete high school on time, complete fewer years of schooling, and attain lower levels of occupational prestige, even when controlling for poverty. Results of this study indicated more negative outcomes associated with moves later in the grade school career, particularly between fourth and eighth grade.

***Interstate Compact on Educational Opportunity for Military Children.*** The DOD, in collaboration with the National Center for Interstate Compacts and the Council of State Governments, developed the Interstate Compact on Educational Opportunity for Military Children (Compact) to address educational transition issues of children of military families.

The goal of the Compact is to ensure that the children of military families are afforded the same opportunities for educational success as other children and are not penalized or delayed in achieving their educational goals. States participating in the Compact work to coordinate graduation requirements, transfer of records, course placement, and other administrative policies. According to the DOD, all 50 States and the District of Columbia participate in the interstate compact. California adopted the Compact in the state’s Education Code in 2009. The Compact addresses a number of topics, including:

- Timely enrollment;
- Transfer of school records;
- School placement;
- Eligibility for enrollment and participation in school programs, athletics, and extracurricular activities; and
- On-time graduation.

A 2014 California Department of Education (CDE) review of the implementation of the Compact in California found variations in implementation across districts. The report suggested that California undertake a more comprehensive effort to ensure that school district personnel and military families are maximally familiar with the provisions of the Compact so that its provisions are applied consistently. The report also found that California’s membership in the Compact has substantially aided both school districts and military families by alleviating many of the educational difficulties military children encounter due to their frequent moves from a school in one state to a school in another state.

***Arguments in support.*** The United States Department of Defense writes, “Military families move frequently and change school systems, on average, six to nine times throughout their educational journey. In addition to planned Permanent Changes of Station (PCS) moves across state lines, military families often must experience additional subsequent relocations from temporary to permanent housing due to limited availability of military or community housing at the time of their arrival. Moreover, military families must also adjust to other significant and unique aspects of military life, such as long and/or frequent deployments of one or more parent. For military families of children with disabilities, this cycle can be especially overwhelming as the burden to ensure continuity of care tends to fall on the family, at a time when those service members may be dealing with a variety of other military-connected stressors. Delays in implementation of special education support to military children can create a loss of educational

opportunity and contribute to critical learning gaps. These losses can be magnified with each military move, greatly impacting child identification, eligibility determinations and receipt of services under the federal Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

The policy changes incorporated into this bill address many of these challenges and improves military family well-being and readiness by leveraging existing policies that the State has enacted to enhance federal and state requirements to:

- Reduce delays in provision of special education and related services for highly mobile students;
- Align special education policies provided for in- and out-of-state transfer students with existing IEP and Section 504 plans;
- Facilitate early coordination of transfers between sending and receiving schools pursuant to the Interstate Compact on Educational Opportunities for Military Children; and
- Clarify eligibility of existing military-specific policies for such students with special education needs.

In closing, DoD is grateful for the tremendous support that California continues to offer our military children and families. With nearly 84,000 children of active duty Service members currently living in the State, enhanced state-wide policies, such as those contained within AB 1412, can have a significant positive impact on the educational experiences of military families by facilitating refined implementation of the supportive policies and programs that California has already enacted. We thank the authors of this measure and appreciate your attention and consideration.”

***Recommended Committee amendments. Staff recommends that this bill be amended to:***

- 1) Add code references citing specific sections of the Interstate Compact on Educational Opportunities for Military Children.
- 2) Specify that the proposed requirement that within 30 days, for students transferring from out of California, to either adopt and implement the IEP previously adopted for the pupil or develop, adopt, and implement a new IEP, apply 30 days from the receipt of official or unofficial records.

***Related legislation.*** SB 920 (Seyarto), Chapter 923, Statutes of 2024, codifies the existing Purple Star School Designation Program, which was established by the CDE in 2022.

ACR 53 (Ward), Chapter 53, Statutes of 2021, requests the CDE to establish and manage a program designating schools that support military-connected students as Purple Star Schools and use the Military Child Education Coalition for resources and information regarding the Purple Star School Program.

AB 2949 (Gloria), Chapter 327, Statutes of 2018, requires that a student who is the child of a military family be allowed to remain in his or her school of origin and to matriculate with his or her peers in accordance with the established feeder patterns of school districts.



AB 365 (Muratsuchi), Chapter 739, Statutes of 2017, extends to students from military families certain rights regarding exemptions from local graduation requirements and acceptance of partial credit, which are currently afforded to other groups of highly mobile students.

SB 455 (Newman), Chapter 239, Statutes of 2017, establishes that 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 has complied with the residency requirements for school attendance in any school district.

AB 306 (Hadley), Chapter 771, Statutes of 2016, prohibits a school district of residence from prohibiting the transfer of a student who is a child of an active military duty parent to a school in any school district if the school district to which the parents of the student applies approves the application for transfer.

AB 2341 (Quirk-Silva) of the 2013-14 Session would have added an indicator to the CALPADS to identify students of military families and would have required LEAs to report enrollment of students of military families, as specified. This bill was held in the Senate Appropriations Committee.

AB 2202 (Block), Chapter 402, Statutes of 2012, extends the sunset from January 1, 2013 to January 1, 2014, for provisions related to the SPI reconvening a task force to review the impact of the Compact on school districts and students, and issue a final report to the Legislature by December 1, 2013.

AB 343 (Saldana) Chapter 237, Statutes of 2009, enacts the Compact, which addresses issues experienced by children of military families who frequently transfer between schools.

AB 2049 (Saldana) Chapter 589, Statutes of 2008, requires the SPI to convene and support a task force to review and make recommendations regarding the Interstate Compact on Educational Opportunity for Military Children.

AB 1809 (Saldana) of the 2007-08 Session would have established the Interstate Commission on Educational Opportunities for Military Families and ratified the Interstate Compact on Educational Opportunity for Military Children, to remove barriers to educational success imposed on children of military families due to frequent moves and deployment of their parents. This bill was held in the Assembly Appropriations Committee.

AB 2102 (Saldana), Chapter 608, Statutes of 2006, establishes procedures, including requiring the CDE to establish a formal liaison with the DOD and school districts that enroll military dependents, to facilitate and smooth the transfer of school-age military dependents and their school records.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Emotions Matter  
Military Services in California

The Arc and United Cerebral Palsy California Collaboration  
U.S. Department of Defense

**Opposition**

None on file

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