

Date of Hearing: May 9, 2018

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 2826 (Friedman) – As Amended May 1, 2018

**SUBJECT:** Pupil enrollment: interdistrict attendance

**SUMMARY:** 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. Specifically, **this bill:**

- 1) Defines a number of terms for the purposes of this chapter, including:
  - a) “County board of education” means the county board that has jurisdiction over the school district denying the permit.
  - b) “Current year request” means a request for interdistrict transfer received beginning 15 calendar days before the commencement of instruction in the school year for which the interdistrict transfer is sought.
  - c) “Future year request” means a request for interdistrict transfer received up until 15 calendar days before the commencement of instruction in the school year for which the interdistrict transfer is sought.
  - d) “Denial” for the 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.
  - e) Specifies that a “denial” does not include any of the following:
    - i. A request that has been deemed abandoned as specified.
    - 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 An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the governing board of the school district.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.
  - f) “Parent” means the natural or adoptive parent or guardian, or the person having legal custody, which includes a person with educational rights including educational rights as determined by a court of competent jurisdiction.
  - g) “School district of enrollment” means a school district other than the school district in which the parent of the pupil resides, but in which the pupil intends to enroll pursuant to these provisions.
  - h) “School district of residence” means a school district in which the parent of the pupil resides and in which the pupil would otherwise be required to enroll.

- 2) Requires each school district of residence and school district of enrollment to post the policy, procedures and timelines regarding requests for interdistrict transfer permits on its website in a manner that is accessible to the public without a password, including, but not limited to, the following:
  - a) The date 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) The process and timelines by which a denial of a request may be appealed within the school district before a final decision is reached, if applicable.
  - d) That failure of the parent to meet any timelines established by the school district will be deemed an abandonment of the request.
  - e) Applicable timelines for processing a request, including statements that the school district must 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 within 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.
  - f) The conditions under which an existing interdistrict transfer permit may be revoked 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 that any written notice to parents regarding a school district's decision on a request for interdistrict transfer comply with requirements for notices to parents in languages other than English, pursuant to EC Section 48985 and may be provided by regular mail, electronic format if the parent provides an email address, or by any other method normally used to communicate with parents in writing.
- 5) Clarifies that an appeal is to be accepted only upon verification by the county board of education that appeals within the school districts have been exhausted within the specified timelines.
- 6) Clarifies that, if a hearing is scheduled to consider an interdistrict transfer request, in a class one or class two county, and the hearing officer is not authorized to decide whether the pupil should be permitted to attend in the school district of enrollment, the county board of education must render a decision within 10 calendar days of receiving the recommended decision.

- 7) Requires that written notice of the decision of the county board of education conform to the requirements for notices to parents in languages other than English, pursuant to Education Code Section 48985 and may be provided by regular mail, electronic format if the parent provides an email address, or by any other method normally used to communicate with parents in writing.
- 8) Specifies that a pupil 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.
- 9) Clarifies that the period of provisional attendance begins on the first day of the pupil's attendance in the school.
- 10) Clarifies that upon expiration of the two-month limit on a pupil's provisional enrollment pending decisions on an interdistrict transfer request, the pupil must enroll in the school district of residence or another educational program, provided that the school districts and county board of education are operating within the prescribed timelines.
- 11) Specifies that provisional attendance will not guarantee that a school district or county board of education will approve a request for interdistrict transfer.
- 12) Makes a number of other technical and clarifying changes.

**EXISTING LAW:**

- 1) Authorizes the governing boards of two or more school districts to enter into an agreement for the interdistrict attendance of pupils who are residents of the districts; specifies if either district fails to approve the interdistrict attendance of a pupil, or in the case of the failure or refusal of the districts to enter into an agreement, the person having legal custody of the pupil may appeal to the county board of education; requires the county board of education to determine, within 30 calendar days, whether the pupil should be permitted to attend in the district in which the pupil desires; and, specifies that the county board of education shall, within 30 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time. In the case of a class 1 county, this timeline is extended to 60 calendar days, and for a class 2 county, 45 calendar days. Specifies, in the event that compliance by the county board within the time requirement for determining whether the pupil should be permitted to attend in the district in which the pupil desires to attend is impractical, the county board or the county superintendent of schools, for good cause, may extend the time period for up to an additional five school days. (EC 46600 & 46601)
- 2) Defines "Class 1 county" to mean a county with 1994/95 countywide ADA of more than 500,000; and, defines "Class 2 county" to mean a county with 1994/95 countywide ADA of at least 180,000 but less than 500,000. (EC 48919.5)
- 3) Specifies that an appeal of an interdistrict attendance decision of a school district will only be accepted by the county board of education only upon verification that all opportunities to appeal within the school district have been exhausted. (EC 46601)

- 4) Prohibits a school district of residence from denying the transfer of a pupil who is a child of an active military duty parent to a school district of proposed enrollment if that district has approved the application for transfer. (EC 46600)
- 5) Requires, at the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil including among other items, of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure 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 (Education Code 48980).

**FISCAL EFFECT:** The Office of Legislative Counsel has keyed this bill as non-fiscal.

**COMMENTS:** *This bill provides clarifications to existing law.* In an attempt to provide greater clarity around the interdistrict transfer process, for pupils and parents, as well as school districts and county offices, this bill clarifies a number of elements of current law, including, but not limited to the following:

- 1) Current law regarding interdistrict transfer requests includes references to “the person having legal custody of the pupil.” This bill replaces this with the term “parent” defined as the natural or adoptive parent or guardian, or the person having legal custody, which includes a person with educational rights including educational rights as determined by a court of competent jurisdiction. *Committee staff recommends* that this be further amended to clarify that an education rights holder only applies to a person so designated by a court.
- 2) Defines “current year request” as a request for interdistrict transfer received within 15 days of the beginning of the school year for which enrollment is sought. This provision is contained in current law, however the language is unclear.
- 3) Defines “future year request” as a request for interdistrict transfer received up until 15 calendar days before the beginning of the school year for which enrollment is sought. Again, this provision is in current law, however the language is unclear.
- 4) Defines “school district of enrollment” as the school district the pupil wishes to enroll in through an interdistrict transfer permit. While this term is used in this section of the code, it is not used consistently and is not clearly defined. *Committee staff recommend* this be amended to “school district of proposed enrollment” for the sake of clarity and consistency within this section.
- 5) Defines “school district of residence” as the school district in which the parent of a pupil resides and where the pupil would otherwise be enrolled. Again, this term is used inconsistently and has not been defined.

*This bill* also makes changes to existing law relating to interdistrict transfers, including the following:

- 1) Defines “county board of education” for this purpose as the county board that has jurisdiction over the school district denying the interdistrict transfer permit. Current law specifies that the appeal should be handled by the county board having jurisdiction over the school district denying a permit, or refusing or failing to enter into an interdistrict transfer agreement. However, current law also specifies that if two school districts in different counties, deny a permit or fail to enter into an agreement, the county board having jurisdiction must seek concurrence with the other county and that if the two county boards do not agree, the appeal is to be denied. This provision is removed by this bill.
- 2) 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 annual notification to parents at the beginning of the school year to include a description of the procedure 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.
- 3) 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 requirements for translation as required by current law. 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.
- 4) Current law specifies that an appeal of an interdistrict transfer request denial is to be accepted by a county office of education only upon verification that appeals within the school district have been exhausted. This bill specifies that any such district level appeals must be completed within the timelines specified.
- 5) Specifies that written notice to the parent of the decision of the county board of education must conform to requirements in current law relating to translation and may be provided by regular mail, electronic format, or any other method normally used to communicate with parents in writing. Existing law requires such notification to be in writing, but does not directly reference the need to translate such notifications when warranted, or reference the methods of communication.

***Need for the 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 wait-lists. County boards also see high volumes of appeals at certain times of the year. AB 2826 clarifies that information on the procedures and timelines for decisions should be posted on district internet sites.”

***Interdistrict transfers.*** Current law allows for various options for pupils to request an interdistrict transfer. Factors that may influence a family's decision to apply for an interdistrict transfer include, but are not limited to, divorce, loss of job, or other financial factors that force students to relocate to schools outside of their district of residence. Many parents may also seek educational opportunities for their children outside of their district of residence in order to access specialized curriculum, strong academic or extracurricular programs, or due to greater geographical convenience for the student or family members.

The interdistrict transfer provision in current law relevant to this bill is the authorization for two or more school districts to enter into an agreement for the interdistrict attendance of pupils. The agreement must include the terms and conditions under which interdistrict requests are permitted or denied, among other factors. The conditions for approval or denial of the interdistrict requests are within the discretion of the school districts entering into the agreement, other than under the following:

- A pupil who has been determined to have been the victim of bullying committed by a pupil of the school district of residence shall be given priority for interdistrict attendance.
- A school district of residence may not prohibit the transfer of a pupil who is a child of an active military duty parent.

***Committee staff recommends*** additional amendments as follows:

- 1) Clarify that notifications to a parent of a future year interdistrict request is to be made as soon as the district is able to approve or deny the request, but not later than 14 days after the beginning of the school year.
- 2) Other technical and clarifying amendments.

***Prior and similar legislation.*** SB 344 (Bradford), Chapter 461, Statutes of 2017 extends the sunset date on the extended timeline provided to county boards of education in Class 1 and Class 2 counties to determine whether a student who has filed an interdistrict appeal should be permitted to attend in the district in which the student desires to attend.

AB 1208 (Friedman) of this Session extends the timeframe for a school district to approve or deny a pupil's request for interdistrict attendance and clarifies the timeline for the right to appeal such a decision. This bill was held in the Assembly Education Committee.

AB 1482 (Kiley) of this Session prohibits a school district of residence from denying the transfer of a pupil who is an English learner, eligible for a free or reduced-price meal, or a foster youth. This bill failed passage in the Assembly Education Committee.

AB 1851 (Bradford), Chapter 104, Statutes of 2014 extends the sunset date, from July 1, 2015 to July 1, 2018, that authorizes county boards of education, with countywide average daily attendance greater than 180,000, to determine whether a pupil who has filed an interdistrict appeal should be permitted to attend in the district in which the pupil desires to attend, within 40 schooldays.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Los Angeles County Office of Education (Co-sponsor)

Orange County Department of Education (Co-sponsor)

**Opposition**

None on file

**Analysis Prepared by:** Debbie Look / ED. / (916) 319-2087