

Date of Hearing: June 21, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 344 (Bradford) – As Introduced February 14, 2017

SENATE VOTE: 37-0

SUBJECT: School attendance: interdistrict attendance

SUMMARY: Deletes the sunset date which authorizes county boards of education (COEs), with countywide average daily attendance (ADA) 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 school days.

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 in a class 1 or class 2 county shall, within 40 schooldays 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. 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. (Education Code 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. (Education Code 48919.5)

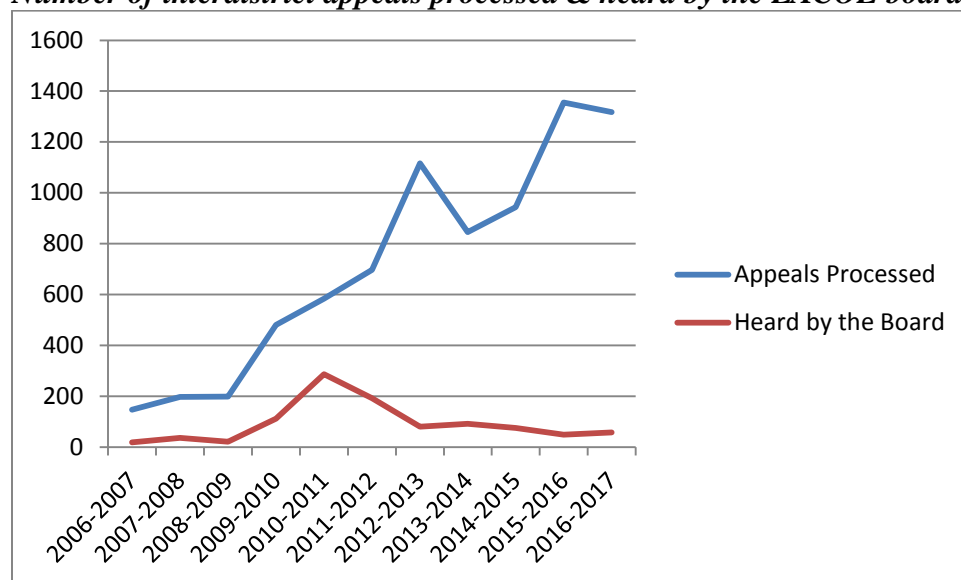
FISCAL EFFECT: This bill is keyed non-fiscal.

COMMENTS: This bill deletes the sunset date for the authorization of counties with ADA greater than 180,000 to decide interdistrict transfer appeal requests within 40 school days. This deadline was extended for large counties in 2011, from 30 calendar days to 40 school days, which is the equivalent of approximately 60 calendar days. This bill would authorize that extension indefinitely, rather than allow the provision to sunset and require all counties to process transfer appeal requests within 30 calendar days.

According to the author, SB 344 would repeal the sunset which increased the timeline for county boards of education in class 1 and class 2 counties to determine, on appeal, whether a pupil should be permitted to attend school in the district in which the pupil desires. The Los Angeles County Office of Education (LACOE) handles more transfer appeals than any other county in the state. In 2010-11 schoolyear, LACOE processed 584 interdistrict attendance appeals (147

appeals were processed in 2006-07). Due to the increase in the number of interdistrict appeals heard by LACOE, it had become an increasing challenge to meet the statutory timelines established under Education Code Section 46601(b)(1). Also, at the time, due to the budget climate, school districts became reluctant to release students due to the potential loss of attendance-based state funding. The sunset date was included in the previous bill AB 1851 (Bradford) in 2014 with the assumption that the expanded timeline would no longer be necessary after three years. Unfortunately, this has not been the case. In fact, the number of appeals has increased. In 2015-2016, LACOE processed 1,355 appeals and it has processed 1,357 appeals so far for 2016-2017. In the upcoming 2017-2018 school year, the pending expiration of the District of Choice program could result in a possible increase of an estimated 2,000–3,000 additional interdistrict permit appeals to be processed by LACOE. As such, the desired legislative outcome is to eliminate the sunset date originally established in AB 1851(Bradford).

Number of interdistrict appeals processed & heard by the LACOE board since 2006-07



Source: Los Angeles County Office of Education

Need for 40 school days: LACOE has stated that due to their increased interdistrict appeal workload, that they are unable to resolve the cases within the previous 30 calendar day timeline. In 2011, this deadline was extended to 40 school days, which is the equivalent of approximately 60 calendar days. In 2016-17, LACOE received 1373 appeals and resolved 1312 of those without board action. Of those 1312, LACOE processed 248 within the 30 calendar day timeline and 1064 within the 40 school day timeline.

According to LACOE, the following are reasons why cases were resolved during the extended 40 school day deadline instead of the original 30 calendar day deadline:

- 1) LACOE Board Meetings are scheduled the first three Tuesdays of the month. Whenever there are months with five Tuesdays, there is a two-week gap where no appeals can be heard by the Board, contributing to the delay.
- 2) Postponement requested by the Board per Education Code 46601.
- 3) Postponement requested by the Board due to an overload of other agenda items.

Class 1 and Class 2 Counties: The following counties are considered class 1 or class 2 counties and would qualify for the timeline extension: Alameda, Fresno, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, and Santa Clara. It is unclear whether these counties have experienced the same type of increase in appeals that LACOE has experienced.

This bill authorizes an extension for deciding interdistrict appeals for both class 1 and class 2 counties. LACOE is the only class 1 county and their overwhelming increase in the number of appeals justifies the extension. The committee should consider whether this extension is as important for class 2 counties, since it is unclear whether those counties can demonstrate the same dramatic increase in the number of appeals they are receiving.

Sunset Dates: Most sunset dates are repealed after an evaluation shows that the program is demonstrating the desired results. The committee should consider whether six years of data supports the elimination of the sunset date or whether the sunset date should be extended. When AB 1085 (Davis) was brought forward in 2011, LACOE did not provide a rationale for the deadline extension beyond the overall increase in number of appeals. At that time it was unclear whether 40 school days was the right amount of time to allow for such an appeal process. Data suggests that the extension to 40 school days (or the equivalent of 60 calendar days) is the appropriate deadline for LACOE that has experienced sustained increases in appeal applications. The committee should note that in addition to the statutory deadline, COEs have the ability to move the deadline back by 5 school days "for good cause," when a COE cannot meet the deadline.

In determining the appropriate deadline, the committee should consider the impact to students and their families when transfer appeal decisions are not made in a timely manner. Delays impact both student learning and family decisions.

Committee Amendments: Staff recommends the following amendments:

- 1) For consistency, amend the bill to specify that class 1 counties shall make appeal decisions within "60 calendar days" instead of "40 school days" to since "calendar days" are referenced throughout the section, and extend this provision until July 1, 2023.
- 2) Specify that class 2 counties shall make appeal decisions within "45 calendar days" instead of "40 school days" and extend this provision until July 1, 2019. The intent of the one year sunset date is to have districts and counties form a workgroup to propose clean up Education Code Section 46601, with consideration of changes proposed in AB 1208 (Friedman), and return to the Legislature with a bill proposal in 2018 if necessary.

Previous Legislation: AB 1851 (Bradford), Chapter 104, Statutes of 2014, extended the sunset date, from July 1, 2015 to July 1, 2018, that authorized county boards of education (CBEs), with countywide average daily attendance (ADA) 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.

AB 1085 (Davis), Chapter 87, Statutes of 2011, authorized county boards of education, with countywide average daily attendance (ADA) 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 school days; and, specified that it is the intent of the Legislature

that school districts and county boards of education make best efforts to process interdistrict attendance appeals in an expeditious fashion.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Board of Education
California County Superintendents Educational Services Association
Contra Costa County Office of Education
Fresno County Office of Education
Los Angeles County Office of Education
Orange County Department of Education
Riverside County Superintendent of Schools
Sacramento County Office of Education
San Diego County Office of Education
Santa Clara County Office of Education

Opposition

None on file.

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