

Date of Hearing: July 12, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
SB 413 (Bradford) – As Amended March 21, 2023

**SENATE VOTE:** 36-0

**SUBJECT:** School attendance: interdistrict attendance

**SUMMARY:** Permanently extends the authorization for county boards of education (CBEs) to make student interdistrict transfer appeal decisions within 60 days, instead of 30 days, for class 1 CBEs; and permanently re-establishes this timeline extension to 45 days, instead of 30 days, for class 2 CBEs. Specifically, **this bill:**

- 1) Deletes the July 1, 2023 sunset date for class 1 CBEs to determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance within 60 days, instead of 30 days, making it permanent.
- 2) Re-establishes the authorization for a class 2 CBE to determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance within 45 calendar days, instead of 30 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; and 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 CBE. (Education Code (EC) 46601)
- 2) Requires the CBE to determine, within 30 calendar days, whether the pupil should be permitted to attend in the district in which the pupil desires; authorizes until July 1, 2023, requires a class 1 CBE to make this determination within 60 calendar days; and authorizes until July 1, 2019 a class 2 CBE to make this determination within 45 calendar days. (EC 46601)
- 3) Specifies, in the event that compliance by the CBE 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 CBE or the county superintendent of schools, for good cause, may extend the time period for up to an additional five school days. (EC 46601)
- 4) 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)

**FISCAL EFFECT:** This bill is keyed non-fiscal by the Office of Legislative Counsel.

**COMMENTS:**

***Need for the bill.*** According to the author, “SB 413 builds off a previous bi-partisan measure that extended the time for county boards of education to process interdistrict transfer appeals. This bill will provide parents/guardians more time to prepare for the complex and often stressful appeals process they face when seeking to transfer their children to a different school district, while providing county boards more flexibility in processing every case (which involves preliminary hearings, fact-finding sessions, and policy review).”

***Class 1 and class 2 counties.*** Los Angeles County Office of Education (LACOE) is the only class 1 county. The following counties are considered class 2 counties and would qualify for the timeline extension: Alameda, Fresno, 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 provides a permanent extension for deciding interdistrict appeals for both class 1 and class 2 counties.

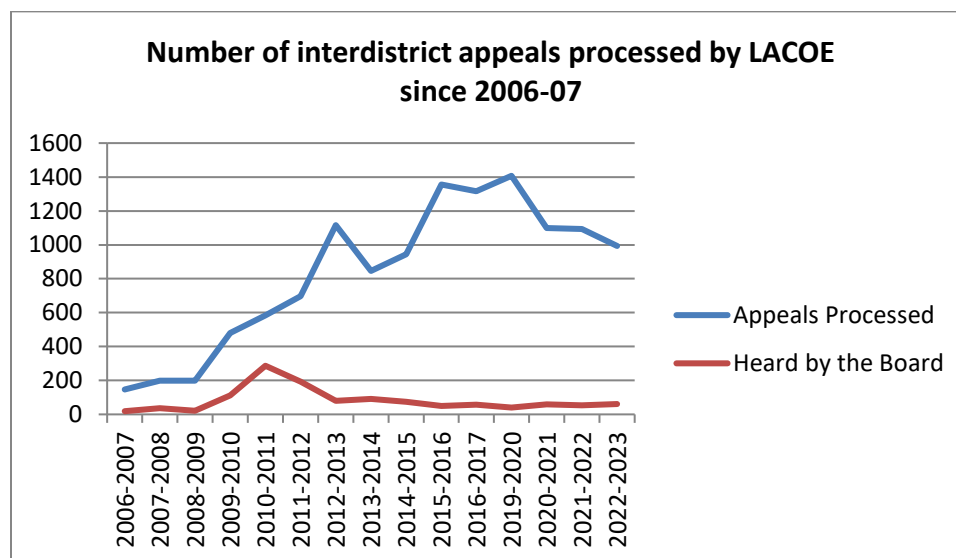
***History of statutory interdistrict transfer appeal timelines.***

- Prior to 2011 – All CBEs had 30 calendar days to decide interdistrict transfer appeal decisions.
- 2011-2018 – Class 1 and class 2 CBEs had 40 school days (approximately 60 calendar days) to decide interdistrict transfer appeal decisions. The sunset date for this authorization was extended once from 2015 to 2018. All other CBEs had 30 calendar days to decide interdistrict transfer appeal decisions.
- 2018 to present – Until 2019, class 2 CBEs had 45 calendar days to decide interdistrict transfer appeal decisions. Until 2023, class 1 CBEs (only LACOE) has 60 calendar days to decide interdistrict transfer appeal decisions. All other CBEs have 30 calendar days to decide interdistrict transfer appeal decisions.

***Sunset Dates.*** Most sunset dates are repealed after an evaluation shows that the program is demonstrating the desired results. When AB 1085 (Davis) was brought forward in 2011, LACOE’s rationale for the deadline extension was the overall increase in the number of appeals. When SB 344 (Bradford) was brought forward in 2017, it was evident that LACOE’s increased case load was not a temporary situation and the bill provided an additional short term extension of the sunset date to allow for a 60 day decision timeline. In 2017, the intent of this Committee was to provide one final sunset extension to allow LACOE enough time to hire staff to compensate for the increased caseload so that families could return to having their appeal decisions made within 30 days. ***The Committee may wish to 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. Should students and families be made to wait longer for an appeal decision, when the issue is a staffing problem?

LACOE indicates that most interdistrict appeal cases that take longer than 30 days involves delays due to parent request or parent availability. ***The Committee may wish to consider*** limiting the longer decision timeline to cases that involve parent delays.

**LACOE interdistrict appeal caseload.** The chart below details the increased caseload experienced by LACOE since 2006-07. Caseloads have steadily risen from approximately 200 per year in 2006-07 to 1,100 in the last two school years, with a peak of 1,400 just prior to the COVID-19 pandemic. Timelines for LACOE to finalize appeal decisions was initially extended due to the increase. Over the last decade, the number of appeals has stabilized at the new level and has roughly averaged 1,100 cases per year.



**Source:** Los Angeles County Office of Education

**Arguments in support.** The Los Angeles County Office of Education states, “The extended timeline is good policy and a practical step. It will provide parents/guardians more time to prepare for the complex and oftentimes stressful appeals process they face when seeking to transfer their children to a different school district, while providing county boards more flexibility in processing every case, which involve preliminary hearings, fact-finding sessions, and policy reviews.”

**Recommended Committee Amendments.** Staff recommends the bill be amended as follows:

- 1) Require all CBEs to decide interdistrict appeals within 30 calendar days.
- 2) Authorizes class 1 and class 2 counties to decide interdistrict appeals within 60 calendar days in specific instances that involve delays and scheduling conflicts initiated by the parent or home school district; and in cases where the application was filed outside the home school district transfer window.

**Related 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 CBEs 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 1851 (Bradford) Chapter 104, Statutes of 2014, extends the sunset date, from July 1, 2015 to July 1, 2018, on the authorization for CBEs with countywide 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 2011, authorizes CBEs with countywide 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, states that it is the intent of the Legislature that school districts and CBEs make best efforts to process interdistrict attendance appeals in an expeditious fashion. This authorization sunset as of July 1, 2015.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Alameda County Office of Education  
California County Superintendents  
Contra Costa County Office of Education  
Kern County Superintendent of Schools  
Los Angeles County Office of Education  
Office of The Riverside County Superintendent of Schools  
Orange County Department of Education  
Sacramento County Office of Education  
San Bernardino County Superintendent of Schools  
San Diego County Office of Education

**Opposition**

None on file

**Analysis Prepared by:** Chelsea Kelley / ED. / (916) 319-2087