

Date of Hearing: June 29, 2022

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
SB 941 (Portantino) – As Introduced February 8, 2022

**SENATE VOTE:** 39-0

**SUBJECT:** Local educational agency instruction collaboration agreements: science, technology, engineering, and mathematics: dual language immersion programs

**SUMMARY:** Authorizes local educational agencies (LEAs) to enter into agreements with one or more LEAs to offer individual classes and coursework to students from LEAs who have been impacted by disruptions or cancellations in classes in science, technology, engineering, and mathematics (STEM), dual language immersion programs, or teacher shortages in those classes or programs. Specifically, **this bill:**

- 1) Defines “LEA” to mean a school district, county office of education (COE), or charter school.
- 2) Authorizes the governing board or body of an LEA to enter into an agreement with one or more LEAs to offer individual classes and coursework to a pupil from another LEA, subject to the agreement, who has been impacted by any of the following:
  - a) Disruptions or cancellations in STEM classes;
  - b) Disruptions or cancellations in dual language immersion programs; or
  - c) Teacher shortages in STEM classes or dual language immersion programs.
- 3) Requires, if the governing board or body of an LEA elects to accept pupils pursuant the agreement, the LEA to determine the number of pupils it is willing to offer coursework to, and requires the LEA to accept pupils who apply for coursework until the LEA is at maximum capacity.
- 4) Requires the LEA accepting pupils pursuant to the agreement to ensure that the pupils admitted are selected through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, whether or not a pupil should be enrolled based upon the pupil’s academic or athletic performance, physical condition, proficiency in English, specified individual characteristics, or family income.
- 5) Requires, if the number of pupils seeking a classroom opportunity exceeds the number of seats available in a classroom of the LEA offering to serve pupils from another LEA, the approval for study to be determined by a random drawing held in public at a regularly scheduled meeting of the governing board or body of the LEA offering to serve pupils from another LEA.
- 6) Requires LEAs that enter into an agreement to publicly post information to ensure that pupils and their families are aware of the opportunities to participate under the agreement. Requires

this publicly available information to include, at a minimum, any applicable forms and the timelines for submissions pursuant to the agreement.

- 7) Requires the average daily attendance (ADA) attributable to a pupil admitted by a LEA to remain with the LEA that the pupil transferred from for purposes of state apportionment. Requires the agreement entered into to include an appropriate shared cost structure negotiated by the collaborating LEAs.
- 8) Requires, on or before January 1, 2028, the California Department of Education (CDE) to evaluate the programs implemented, including an analysis of whether pupils benefited from the programs and any obstacles to creating the programs.
- 9) Requires this authorization to become inoperative on July 1, 2029, and, as of January 1, 2030, is repealed.

**EXISTING LAW:**

- 1) Authorizes the governing boards of two or more school districts to enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of student who are residents of the school districts. (EC 46600)
- 2) Requires each person between the ages of 6 and 18 years to be subject to compulsory full-time education, and requires attendance at the public full-time day school and for the full length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located. (Education Code (EC) 48200)
- 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 or 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) A student whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation;
  - 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; and
  - 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 the governing board of a school district to elect to operate the school district as a school district of choice (DOC) and may accept transfers from school districts of residence, as specified. Requires, if a school district elects to accept transfers pursuant to the DOC provisions, this school district to determine and adopt, by resolution, the number of transfers it is willing to accept and must accept all students who apply to transfer until the school district is at maximum capacity. Requires the DOC to ensure that students are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based upon his or her academic or athletic performance, physical condition, proficiency in English, any of individual characteristics, and, except for purposes of determining priority for students eligible for free or reduced-price meals, family income. States that the DOC agreements become inoperative on July 1, 2023. (EC 48300, 48315)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

**Key provisions of the bill.** This bill authorizes school districts, COEs and charter schools (LEAs) to enter into an agreement with one or more LEAs to offer individual classes and coursework to a student from another LEA who has been impacted disruptions or cancellations in classes in STEM, dual language immersion programs, or teacher shortages in those classes or programs.

This bill requires LEAs, if they elect to accept pupils pursuant to this bill, to take certain steps in determining how many students to accept, selecting students through an unbiased process, and conduct a public random drawing if the number of students seeking an opportunity exceeds the number of seats available in a classroom. These provisions are consistent with existing law related to interdistrict transfer and DOC, as described below.

Pupils may be enrolled in only one public school and one school district, COE, or charter school at a time. It is likely that local agreements exist between neighboring LEAs to offer classes and coursework to pupils from other LEAs if those courses are unavailable in the LEA in which the pupil is enrolled. However, no source of this data is collected statewide. Many LEAs collaborate with community colleges to offer dual enrollment programs, which allow high school pupils to take college courses and earn college credits while still attending high school. This bill specifies that the average daily attendance attributable to a pupil admitted by a LEA is required to remain with the “home” LEA, and requires the agreement to include an appropriate shared cost structure negotiated by the collaborating LEAs. Therefore, under these agreements, pupils will not enroll in or transfer to the other district for which they are taking a specified course and classwork, rather participate in the individual course and classwork.

**Need for the bill.** According to the author, “California is experiencing a record shortage of teachers during particularly difficult circumstances. The COVID-19 pandemic arrived at a time when California was already combatting declining numbers of teachers, especially in math,

science, and bilingual education. Some impacted local educational agencies are canceling important dual-language immersion classes due to a shortage of qualified credentialed teachers. The shortage of credentialed STEM teachers is also impacting the learning environment of many pupils. Teacher shortages are particularly pronounced in rural areas, communities of color, and low socioeconomic areas, where the consequences of substandard learning outcomes are likely to reverberate through future educational attainment and economic prospects. Allowing inter-district collaborations between LEAs will broaden their reach to enable more students to receive the educational resources they are entitled to.”

***Existing school choice options.*** This bill relates to local interdistrict transfer agreements. Existing law provides the following public school options:

- 1) *Charter Schools.* There are over 1,300 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 includes the specific goals and operating procedures for the charter school. While most charter schools offer traditional, classroom-based instruction, about 20% offer some form of independent study, such as distance learning or home study.
- 2) *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.
- 3) *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. DOCs may not use a selective admissions process. Transfer students generally do not need the consent of their district of residence.
- 4) *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.
- 5) *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 district of residence.
- 6) *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 district of residence.

- 7) *Pupils who are a child of an active military duty parent.* A school district of residence is prohibited from prohibiting the transfer of a pupil 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 pupil apply approves the application for transfer.

Beyond the public school options, California students may enroll in private schools.

***Existing transfer options.*** Existing law authorizes school districts to enter into interdistrict attendance agreements whereby a pupil may enroll in a district other than his or her district of residence. Such agreements must stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. Absent an interdistrict attendance agreement, a district of residence can deny a request to transfer to another district, unless the district of proposed attendance is a district of choice.

If a district declares itself to be a district of choice, then the district of residence cannot deny a transfer request. A district that elects to operate as a district of choice must register as such with the Superintendent of Public Instruction and accept all pupils who apply to transfer until it is at maximum capacity. If the number of transfer requests exceeds the district's capacity, then the transfers must be selected through a random drawing. Districts of choice are specifically prohibited from accepting transfers on the basis of academic performance, athletic performance, physical condition, or English proficiency. Existing law also governs the manner in which a district of choice can market itself to neighboring districts. Specifically, all communications must be factual and cannot target individual parents or neighborhoods on the basis of students' actual or perceived academic or athletic ability or other personal characteristics. To prevent discrimination against special needs students, districts of choice are prohibited from denying a transfer based on a determination that the cost of servicing a student would exceed the funding received for that student.

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

- Clarify that if the governing board or body of an LEA enters into an agreement with another LEA to offer individual classes and coursework to a pupil that has been impacted by specified disruptions, cancellations, or teacher shortages, that the offering be of the same or similar corresponding subject areas. For example, if a pupil experiences a disruption of a chemistry course while enrolled in District A, then they would not be authorized under this program to apply to take a French language course in District B.
- Clarify that pupils will not transfer for purposes of this program and for taking an individual course and coursework, but rather participate in the individual course or coursework.

***Arguments in support.*** The Association of California School Administrators writes, “The United States is facing a teacher shortage that has only been exacerbated by the COVID-19 pandemic. California, in particular, has one of the most severe teacher shortages in the country. Since the start of the pandemic, teachers have been leaving the profession at an even faster rate. This includes a 26% increase in retirements during the first year of the pandemic. These shortages have a large impact on student outcomes and well-being during a time that has already

proved difficult for public school students. The scarcity of teachers disproportionately affects underserved students, many of whom continue to lack access to quality education.

This program could be especially beneficial to small and rural districts with limited resources. Many educators in small and rural districts have a difficult time with recruitment and retention, and educators are often required to play multiple roles — from superintendent to bus driver. Students ultimately suffer when staff is spread so thin in order to cover vital functions in a school district, and in many cases, there are no educators available to teach these core classes. Despite these staffing challenges, this bill would provide students from all regions of the state the opportunity to access an equitable education, a core value of ACSA's mission.”

***Related legislation.*** AB 76 (Kiley) of the 2021-22 Session states that a school district of residence shall not prohibit the transfer of a pupil who is not receiving in-person instruction to a school district of proposed enrollment that is offering in-person instruction if the school district of proposed enrollment approves the application for transfer.

AB 1127 (Luz Rivas), Chapter 781, Statutes of 2019, requires a school district of residence to approve an interdistrict transfer request for a victim of an act of bullying and requires a school district of proposed enrollment that elects to accept an interdistrict transfer to accept students who apply, as specified.

AB 1334 (Choi) of the 2019-20 Session would have established a statewide Open Enrollment system in which any student could apply to attend another district for enrollment. This bill was held in this Committee.

AB 3086 (Kiley) of the 2017-18 Session would have extended inter-district, open enrollment to pupils who are either homeless, in foster care, migrant, or victims of bullying. This bill was vetoed by the Governor with the following message, in pertinent part:

It is unclear what problem this bill is trying to solve and whether there is a statewide issue requiring a solution. There are already many other existing school choice options available to parents. This bill will only further complicate an already complicated array of statutes without evidence that parents need or will utilize this option.

AB 1482 (Kiley) of the 2017-18 Session, would have 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 approved the application for transfer. This bill was held in the Assembly Education Committee.

AB 2826 (Friedman), Chapter 550, Statutes of 2018, requires each school district of residence and school district of proposed enrollment to post on its website the procedures and timelines regarding a request for an interdistrict transfer permit. Further 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.

SB 455 (Newman), Chapter 239, Statutes of 2017, provides that a pupil complies with residency requirements if the pupil's 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, and requires a

parent to provide proof of residence in the school district within 10 days after the published arrival date provided on official documentation.

AB 99 (Committee on Budget), Chapter 15, Statutes of 2017, the education omnibus trailer bill, significantly changed the requirements for districts that elected to participate in the school DOC program. Under these new provisions, the DOC determines the number of transfer students it is willing to accept and must ensure that students admitted are selected through a random, unbiased process. The admission process prohibits an evaluation of whether or not the student should be enrolled based on his or her academic or athletic performance, physical condition, or proficiency in English.

AB 306 (Hadley), Chapter 771, Statutes of 2015, prohibits a school district of residence from prohibiting the transfer of a pupil 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 pupil apply approves the application for transfer.

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

Association of California School Administrators

**Opposition**

None on file

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