

Senate Bill No. 680

CHAPTER 198

An act to amend Sections 48301, 48303, 48306, 48307, 48310, 48313, and 48315 of, to add Section 48316 to, and to repeal Section 48314.5 of, the Education Code, relating to school attendance.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 680, Romero. School attendance: interdistrict transfers.

(1) Existing law requires each person between the ages of 6 and 18 years, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to accept interdistrict transfers by adopting a resolution to become a school district of choice, as defined, and authorizes the governing board to ensure, by resolution, that pupils accepted for transfer are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance.

This bill would require any communication made by a participating school district to parents or guardians to be factually accurate and not target individual parents or guardians or residential neighborhoods on the basis of specified personal characteristics of pupils. The bill would require a school district of choice, at its expense, to ensure that the auditor who conducts the annual financial audit of the district, as specified, reviews compliance with the requirements for a random, unbiased selection process and appropriate communications at the same time that he or she is conducting the annual audit, and would require the district to notify the auditor regarding this compliance review prior to the commencement of the annual audit.

(2) Existing law authorizes a school district of choice to reject the transfer of a pupil if the transfer requires the district to create a new program to serve that pupil.

This bill would prohibit a school district of choice from rejecting the transfer of a special needs pupil, including an individual with exceptional needs or an English learner.

(3) Existing law authorizes a school district of choice to give priority to children of military personnel if the school district elected to accept transfer pupils by a resolution adopted prior to April 1, 2005.

This bill would delete the condition that requires a school board to have adopted the resolution prior to that date.

(4) Existing law authorizes a school district of residence, as defined, to limit the number of pupils who transfer out each year by a certain percentage,

and also authorizes a school district with an average daily attendance of less than 50,000 to limit the maximum number of pupils transferring out for the duration of the program to 10% of the average daily attendance for that period.

This bill would authorize a school district of residence to limit transfers if it has a negative or qualified status on the most recent budget certification, or to limit the number of pupils to a number identified by the county superintendent of schools, as specified, if the county superintendent determines that the district will not meet the standards and criteria for fiscal stability in a specified statutory provision for the subsequent fiscal year due to the impact of additional pupil transfers in that fiscal year. The bill, notwithstanding any other provision regarding interdistrict transfers, would permit a pupil attending a school district of choice or a pupil who received a notice of eligibility to enroll in a school district of choice, including a pupil selected by means of a random selection process conducted on or before June 30, 2009, to attend the school district of choice.

(5) Existing law requires each school district that elects to become a school district of choice to keep an accounting of all requests made for alternative attendance, as specified, and to report this information to the Superintendent of Public Instruction. Existing law requires the Superintendent annually to make this information available to the Governor, the Legislature, and the public on or before April 1.

This bill would add specified categories to the required accounting of requests for transfers. The bill would require each school district of choice to also report the specified information to the Department of Finance. The bill would delete the requirement that the Superintendent annually make the information provided by school districts available to the Governor, the Legislature, and the public on or before April 1, and instead require the Department of Finance to make the information available upon request to the Legislative Analyst. The bill would require the Legislative Analyst annually to make specified information regarding interdistrict transfers available to the Governor and the appropriate fiscal and policy committees of the Legislature.

(6) Commencing August 24, 2007, existing law prohibits the governing board of a school district from electing to become a school district of choice.

This bill would delete that prohibition.

(7) Existing law makes the provisions governing interdistrict transfers inoperative on July 1, 2009, and repeals them on January 1, 2010.

This bill would extend those inoperative and repeal dates to July 1, 2016, and January 1, 2017, respectively.

(8) The bill would require the Legislative Analyst to conduct, after consulting with appropriate legislative staff, a comprehensive evaluation of the interdistrict transfer program, make recommendations regarding the extension of the program, incorporate in that evaluation the data annually made available by the Department of Finance, and complete and submit the evaluation and the recommendations to the appropriate education policy committees of the Legislature and the Governor by November 1, 2014.

- (9) The bill would also make conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 48301 of the Education Code is amended to read:

48301. (a) The governing board of any school district may accept interdistrict transfers. A school district that receives an application for attendance under this article is not required to admit pupils to its schools. If, however, the governing board elects to accept transfers as authorized under this article, it may, by resolution, elect to accept transfer pupils, determine and adopt the number of transfers it is willing to accept under this article, and ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Any pupil accepted for transfer shall be deemed to have fulfilled the requirements of Section 48204. If the number of transfer applications exceeds the number of transfers the governing board elects to accept under this article, approval for transfer pursuant to this article shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board of the school district.

(b) Either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice pursuant to subdivision (c) of Section 48308, or the school district of choice may prohibit the transfer of a pupil under this article or limit the number of pupils so transferred if the governing board of the district determines that the transfer would negatively impact any of the following:

- (1) The court-ordered desegregation plan of the district.
- (2) The voluntary desegregation plan of the district.
- (3) The racial and ethnic balance of the district.

(c) The school district of residence may not adopt policies that in any way block or discourage pupils from applying for transfer to another district.

(d) Communications to parents or guardians by districts electing to enroll pupils under the choice options provided by this article shall be factually accurate and not target individual parents or guardians or residential neighborhoods on the basis of a child's actual or perceived academic or athletic performance or any other personal characteristic.

(e) A school district of choice, at its expense, shall ensure that the auditor who conducts the annual audit pursuant to Section 41020, at the same time that he or she is conducting that annual audit, reviews compliance with the provisions in this section regarding a random, unbiased selection process and appropriate communications. The compliance review specified in this subdivision is not subject to the requirements in subdivision (d) of Section 41020. The school district of choice shall notify the auditor regarding this compliance review specified in this subdivision prior to the commencement of the annual audit. The governing board of the school district of choice shall include a summary of audit exceptions, if any, resulting from the

compliance review conducted pursuant to this subdivision in the report it provides pursuant to subdivision (b) of Section 48313.

SEC. 2. Section 48303 of the Education Code is amended to read:

48303. (a) The school district of choice may not prohibit a transfer of a pupil under this article based upon a determination by the governing board of that school district that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer. A school district may reject the transfer of a pupil if the transfer of that pupil would require the district to create a new program to serve that pupil, except that a school district of choice shall not reject the transfer of a special needs pupil, including an individual with exceptional needs, as defined in Section 56026, and an English learner.

(b) This section is intended to ensure that special education, bilingual, English learner, or other special needs pupils are not discriminated against by the school district of choice because of the costs associated with educating those pupils. Pupils with special needs may take full advantage of the choice options available under this section.

SEC. 3. Section 48306 of the Education Code is amended to read:

48306. (a) A school district of choice shall give priority for attendance to siblings of children already in attendance in that district.

(b) A school district of choice may give priority for attendance to children of military personnel.

SEC. 4. Section 48307 of the Education Code is amended to read:

48307. (a) A school district of residence with an average daily attendance greater than 50,000 may limit the number of pupils transferring out each year to 1 percent of its current year estimated average daily attendance.

(b) A school district of residence with an average daily attendance of less than 50,000 may limit the number of pupils transferring out to 3 percent of its current year estimated average daily attendance and may limit the maximum number of pupils transferring out for the duration of the program authorized by this article to 10 percent of the average daily attendance for that period.

(c) A school district of residence that has a negative status on the most recent budget certification completed by the county superintendent of schools in any fiscal year may limit the number of pupils who transfer out of the district in that fiscal year.

(d) Notwithstanding any prior or existing certification of a school district of residence pursuant to Article 3 (commencing with Section 42130) of Chapter 6 of Part 24, only if the county superintendent of schools determines that the district would not meet the standards and criteria for fiscal stability specified in Section 42131 for the subsequent fiscal year exclusively due to the impact of additional pupil transfers pursuant to this article in that year, the district may limit the number of additional pupils who transfer in the upcoming school year pursuant to this article up to the number that the county superintendent identifies beyond which number of additional transfers would result in a qualified or negative certification in that year exclusively as a result of additional transfers pursuant to this article.

(e) If a school district of residence limits the number of pupils who transfer out of the district pursuant to subdivision (c) or (d), pupils who have already been enrolled or notified of eligibility for enrollment, including through the random, public selection process prior to the action by the district to limit transfers shall be permitted to attend the school district of choice.

(f) Notwithstanding any other provision of this article, a pupil attending a school district of choice or a pupil who received a notice of eligibility to enroll in a school district of choice, including a pupil selected by means of a random selection process conducted on or before June 30, 2009, pursuant to this article, as it read on June 30, 2009, shall be permitted to attend the school district of choice.

SEC. 5. Section 48310 of the Education Code is amended to read:

48310. (a) The average daily attendance for pupils admitted by a school district of choice pursuant to this article shall be credited to that district pursuant to Section 46607. The attendance report for the school district of choice may include an identification of the school district of residence.

(b) Notwithstanding other provisions of law, state aid for categorical education programs for pupils admitted under this article shall be apportioned to the school district of choice.

(c) For any school district of choice that is a basic aid district, the apportionment of state funds for any average daily attendance credited pursuant to this section shall be 70 percent of the district revenue limit calculated pursuant to Section 42238 that would have been apportioned to the district of residence. For purposes of this subdivision, the term “basic aid district” means a school district that does not receive from the state, for any fiscal year in which the subdivision is applied, an apportionment of state funds pursuant to subdivision (h) of Section 42238.

(d) The average daily attendance of pupils admitted by a school district of choice pursuant to this article shall be credited to that school district for the purposes of any determination under Article 2 (commencing with Section 17010) of Chapter 12 of Part 10 that utilizes an average daily attendance calculation.

SEC. 6. Section 48313 of the Education Code is amended to read:

48313. (a) Pursuant to this article, each school district electing to accept transfer pupils shall keep an accounting of all requests made for alternative attendance and records of all disposition of those requests that shall include, but are not limited to, all of the following:

(1) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records shall indicate the reasons for the denials.

(2) The number of pupils transferred out of the district pursuant to this article.

(3) The number of pupils transferred into the district pursuant to this article.

(4) The race, ethnicity, gender, self-reported socioeconomic status, and the school district of residence of each of the pupils described in paragraphs (2) and (3).

(5) The number of pupils described in paragraphs (2) and (3) who are classified as English learners or identified as individuals with exceptional needs, as defined in Section 56026.

(b) The information maintained pursuant to subdivision (a) shall be reported to the governing board of the school district at a regularly scheduled meeting of the governing board. No later than May 15th of each year, the school district shall report the information maintained pursuant to subdivision (a) in addition to information regarding the district's status as a school district of choice in the upcoming school year to each school district that is geographically adjacent to the district electing to accept transfer pupils, the county office of education in which the district is located, the Superintendent, and the Department of Finance. The Department of Finance shall make the information reported to it pursuant to this subdivision available upon request to the Legislative Analyst.

(c) The Legislative Analyst annually shall make all of the following information available to the Governor and the appropriate fiscal and policy committees of the Legislature:

(1) The number and characteristics of pupils who use the school district of choice option pursuant to this article.

(2) The Academic Performance Index scores of schools in school districts of residence and school districts of choice.

(3) The graduation rates of school districts of residence and school districts of choice.

(4) The enrollment of school districts of residence and school districts of choice for the previous five years.

(5) The fiscal health of school districts of residence and school districts of choice, including, but not limited to, both of the following:

(A) Increasing or declining enrollment.

(B) Whether a school district received a negative or qualified rating pursuant to Section 42131.

(6) Whether a school district has exceeded the transfer limits specified in Section 48307.

(7) Other information the Legislative Analyst deems appropriate.

(d) As necessary and practicable, the Legislative Analyst shall survey school districts of residence and school districts of choice to gather the information described in subdivision (c).

SEC. 7. Section 48314.5 of the Education Code is repealed.

SEC. 8. Section 48315 of the Education Code is amended to read:

48315. This article shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 48316 is added to the Education Code, to read:

48316. The Legislative Analyst shall conduct, after consulting with appropriate legislative staff, a comprehensive evaluation of the interdistrict transfer program established pursuant to this article and recommendations regarding the extension of the program. The evaluation shall incorporate

the data described in Section 48313 and shall be completed and submitted, along with the recommendations regarding extension, to the appropriate education policy committees of the Legislature and the Governor by November 1, 2014.

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