

ASSEMBLY BILL

No. 47

Introduced by Assembly Member Huffman

December 6, 2010

An act to amend Section 48352 of the Education Code, relating to school enrollment.

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as introduced, Huffman. Schools: open enrollment.

Existing law, the Open Enrollment Act, allows the parent of a pupil enrolled in a low-achieving school to submit an application for the pupil to attend school in a school district other than the school district in which the parent of the pupil resides, but in which the parent nevertheless intends to enroll the pupil. Existing law defines a low-achieving school, for purposes of these provisions, as a school identified by the Superintendent by inclusion on a list of 1,000 schools ranked by increasing Academic Performance Index (API) score; however no local agency may have more than 10% of its schools on the list and specified types of schools may not be included.

This bill would instead provide that the list created by the Superintendent to define low-achieving schools may include up to 1,000 schools, that schools on the list be ranked in decile 1 on the most current API, and that county offices of education operating a special education program, and state special schools not be included on the list.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 48352 of the Education Code is amended
2 to read:

3 48352. For purposes of this article, the following definitions
4 apply:

5 (a) “Low-achieving school” means any school identified by the
6 Superintendent pursuant to the following:

7 (1) ~~Excluding the schools, and taking into account the impact~~
8 ~~of the criteria in paragraph (2), the~~ Superintendent annually
9 shall create a list of *up to* 1,000 schools ranked by increasing API
10 ~~with Academic Performance Index (API) score, comprised of the~~
11 same ratio of elementary, middle, and high schools as existed in
12 decile 1 in the 2008–09 school year.

13 (2) In constructing the list of *up to* 1,000 schools each year, the
14 Superintendent shall ensure each of the following:

15 (A) ~~A local educational agency shall not have more than 10~~
16 ~~percent of its schools on the list. However, if the number of schools~~
17 ~~in a local educational agency is not evenly divisible by 10, the~~
18 ~~Superintendent shall round up to the next whole number of schools.~~
19 *Schools on the list shall be ranked in decile 1 of the most current*
20 *year’s growth API.*

21 (B) ~~Court, community, or community day schools, county offices~~
22 ~~of education operating a special education program, and state~~
23 ~~special schools shall not be included on the list.~~

24 (C) Charter schools shall not be included on the list.

25 (b) “Parent” means the natural or adoptive parent or guardian
26 of a dependent child.

27 (c) “School district of enrollment” means a school district other
28 than the school district in which the parent of a pupil resides, but
29 in which the parent of the pupil nevertheless intends to enroll the
30 pupil pursuant to this article.

31 (d) “School district of residence” means a school district in
32 which the parent of a pupil resides and in which the pupil would
33 otherwise be required to enroll pursuant to Section 48200.