

Assembly Bill No. 1799

CHAPTER 369

An act to amend Section 49068 of the Education Code, relating to pupil records.

[Approved by Governor September 19, 2012. Filed with
Secretary of State September 19, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, Bradford. Pupil records: pupil transfers.

Existing law requires a pupil's former school district, as defined, or private school to transfer the pupil's permanent record, or a copy thereof, upon a request from the school district, as defined, or private school where the pupil intends to enroll.

This bill would instead require the former public school or private school to perform the transfer of the pupil's permanent record or copy of it no later than 10 schooldays, as defined, following the date the request is received. The bill would state legislative findings and declarations regarding the importance of the academic record of a transferring pupil and the accuracy of those records. The bill would provide that it does not supersede any other provisions governing the transfer of pupil records for specific pupil populations, including, but not limited to, provisions governing the transfer of pupil records for (1) pupils in foster care and (2) individuals with exceptional needs. By imposing a new requirement on public schools to transfer records within 10 schooldays, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 49068 of the Education Code is amended to read:
49068. (a) The Legislature finds and declares that the academic record of a transferring pupil is essential to the pupil's placement, academic success, and timely graduation. The Legislature further finds and declares that an accurate, updated pupil record enhances school safety, academic achievement, and pupil welfare when the record of a transferring pupil

includes transcripts, immunization records, and, when applicable, suspension notices, expulsion records, and individualized education programs.

(b) If a pupil transfers from one public school to another or to a private school, or transfers from a private school to a public school within the state, the pupil's permanent record or a copy of it shall be transferred by the former public school or private school no later than 10 schooldays following the date the request is received from the public school or private school where the pupil intends to enroll.

(c) As used in this section, "schoolday" means a day upon which the school is in session or nonholiday weekdays during the summer break.

(d) A public school requesting a transfer of a record pursuant to this section shall notify the parent of his or her right to receive a copy of the record and a right to a hearing to challenge the content of the record.

(e) The state board may adopt rules and regulations concerning the transfer of records.

(f) Nothing in this section shall supersede any other state or federal law governing the transfer of pupil records for specific pupil populations, including, but not limited to, Sections 49069.5 and 56043.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.