

Introduced by Senator HuffFebruary 3, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as introduced, Huff. School districts: Open Enrollment Act.

Existing law, the Open Enrollment Act, authorizes the parent of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend another school in the district of residence or a school in a school district other than the school district in which the parent of the pupil resides. A school district may adopt specific, written standards for acceptance and rejection of applications made pursuant to the act. The standards may include consideration of the capacity of a program, class, grade level, school building, or adverse financial impact. The standards are prohibited from including consideration of a pupil's previous academic achievement, physical condition, proficiency in the English language, family income, disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other specified individual characteristics. Existing law encourages school districts to keep an accounting of requests for alternative attendance made pursuant to the act.

This bill would make technical, nonsubstantive changes to the definitions of terms used in the act.

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~~ a school identified by
6 the 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 shall
9 create a list of 1,000 schools ranked by increasing API with the
10 same ratio of elementary, middle, and high schools as existed in
11 decile 1 in the 2008–09 school year.
12 (2) In constructing the list of 1,000 schools each year, the
13 Superintendent shall ensure each of the following:
14 (A) A local educational agency shall not have more than 10
15 percent of its schools on the list. ~~However, if~~ *If* the number of
16 schools in a local educational agency is not evenly divisible by
17 10, the Superintendent shall round up to the next whole number
18 of schools.
19 (B) Court, community, or community day schools shall not be
20 included on the list.
21 (C) Charter schools shall not be included on the list.
22 (b) “Parent” means the natural or adoptive parent or guardian
23 of a dependent child.
24 (c) “School district of enrollment” means a school district other
25 than the school district in which the parent of a pupil resides, but
26 in which the parent of the pupil nevertheless intends to enroll the
27 pupil pursuant to this article.
28 (d) “School district of residence” means a school district in
29 which the parent of a pupil resides and in which the pupil would
30 otherwise be required to enroll pursuant to Section 48200.

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