

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1279

Introduced by Assembly Member Conway

February 22, 2013

~~An act to amend Section 51222 of the Education Code, relating to school curriculum.~~ *An act to amend Sections 48352, 48354, and 48356 of the Education Code, relating to school enrollment.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1279, as amended, Conway. ~~School curriculum: physical education.~~ *Open Enrollment Act: expansion to all school districts of residence.*

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 a school in a school district of enrollment, as defined, as specified.

This bill would expand the act to authorize the parent of a pupil enrolled in a school district of residence, as defined, to submit an application for the pupil to attend a school in a school district other than their school district of residence.

The Open Enrollment Act requires a school district of enrollment to ensure that pupils enrolled pursuant to the act are enrolled in a school with a higher Academic Performance Index than the school in which the pupil was previously enrolled and are selected through a random, unbiased process, except that pupils applying for transfer are required to be assigned specified priorities for approval.

This bill would add a third priority for approval for pupils transferring from a school ranked in decile 2 on the Academic Performance Index.

To the extent the bill would expand the duties of school districts under the Open Enrollment Act, the 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.

~~Existing law requires all pupils to attend courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays, subject to specified exemptions.~~

~~This bill would make nonsubstantive changes to this provision.~~

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

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 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 the number of schools~~
16 ~~in a local educational agency is not evenly divisible by 10, the~~
17 ~~Superintendent shall round up to the next whole number of schools.~~

18 (B) ~~Court, community, or community day schools shall not be~~
19 ~~included on the list.~~

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

1 ~~(b)~~
2 (a) “Parent” means the natural or adoptive parent or guardian
3 of a dependent child.

4 ~~(e)~~
5 (b) “School district of enrollment” means a school district other
6 than the school district in which the parent of a pupil resides, but
7 in which the parent of the pupil nevertheless intends to enroll the
8 pupil pursuant to this article.

9 ~~(d)~~
10 (c) “School district of residence” means a school district in
11 which the parent of a pupil resides and in which the pupil would
12 otherwise be required to enroll pursuant to Section 48200.

13 SEC. 2. Section 48354 of the Education Code is amended to
14 read:

15 48354. (a) The parent of a pupil enrolled in a ~~low-achieving~~
16 school *district of residence* may submit an application for the pupil
17 to attend a school in a school district of enrollment pursuant to this
18 article.

19 (b) (1) Consistent with the requirements of Section
20 1116(b)(1)(E) of the federal Elementary and Secondary Education
21 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first
22 day of the school year, or, if later, on the date the notice of program
23 improvement, corrective action, or restructuring status is required
24 to be provided under federal ~~law~~ *law*, the *school* district of
25 residence shall provide the parents and guardians of all pupils
26 enrolled in a school ~~determined in subdivision (a) of Section 48352~~
27 *the district* with notice of the option to transfer to another public
28 school served by the school district of residence or another school
29 district.

30 (2) An application requesting a transfer pursuant to this article
31 shall be submitted by the parent of a pupil to the school district of
32 enrollment ~~prior to~~ *before* January 1 of the school year preceding
33 the school year for which the pupil is requesting to transfer. The
34 school district of enrollment may waive the deadline specified in
35 this paragraph.

36 (3) The application deadline specified in paragraph (2) does not
37 apply to an application requesting a transfer if the parent, with
38 whom the pupil resides, is enlisted in the military and was relocated
39 by the military within 90 days ~~prior to~~ *before* submitting the
40 application.

1 (4) The application may request enrollment of the pupil in a
2 specific school or program within the school district of enrollment.

3 (5) A pupil may enroll in a school in the school district of
4 enrollment in the school year immediately following the approval
5 of his or her application.

6 (6) In order to provide priority enrollment opportunities for
7 pupils residing in the school district, a school district of enrollment
8 shall establish a period of time for resident pupil enrollment ~~prior~~
9 ~~to~~ before accepting transfer applications pursuant to this article.

10 *SEC. 3. Section 48356 of the Education Code is amended to*
11 *read:*

12 48356. (a) A school district of enrollment may adopt specific,
13 written standards for acceptance and rejection of applications
14 pursuant to this article. The standards may include consideration
15 of the capacity of a program, class, grade level, school building,
16 or adverse financial impact. Subject to subdivision (b), and except
17 as necessary in accordance with Section 48355, the standards shall
18 not include consideration of a pupil's previous academic
19 achievement, physical condition, proficiency in the English
20 language, family income, or any of the individual characteristics
21 set forth in Section 200.

22 (b) In considering an application pursuant to this article, a
23 nonresident school district may apply its usual requirements for
24 admission to a magnet school or a program designed to serve gifted
25 and talented pupils.

26 (c) Subject to the rules and standards that apply to pupils who
27 reside in the school district of enrollment, a resident pupil who is
28 enrolled in one of the district's schools pursuant to this article shall
29 not be required to submit an application in order to remain enrolled.

30 (d) A school district of enrollment shall ensure that pupils
31 enrolled pursuant to standards adopted pursuant to this section are
32 enrolled in a school with a higher Academic Performance Index
33 than the school in which the pupil was previously enrolled and are
34 selected through a random, unbiased process that prohibits an
35 evaluation of whether or not the pupil should be enrolled based
36 on his or her individual academic or athletic performance, or any
37 of the other characteristics set forth in subdivision (a), except that
38 pupils applying for a transfer pursuant to this article shall be
39 assigned priority for approval as follows:

1 (1) First priority for the siblings of children who already attend
2 the desired school.

3 (2) Second priority for pupils transferring from a program
4 improvement school ranked in decile 1 on the Academic
5 Performance Index determined pursuant to subdivision (a) of
6 ~~Section 48352. Index.~~

7 (3) *Third priority for pupils transferring from a school ranked*
8 *in decile 2 on the Academic Performance Index.*

9 ~~(3)~~

10 (4) If the number of pupils who request a particular school
11 exceeds the number of spaces available at that school, a lottery
12 shall be conducted in the group priority order identified in
13 paragraphs (1) ~~and (2)~~ to (3), *inclusive*, to select pupils at random
14 until all of the available spaces are filled.

15 (e) The initial application of a pupil for transfer to a school
16 within a school district of enrollment shall not be approved if the
17 transfer would require the displacement from the desired school
18 of any other pupil who resides within the attendance area of that
19 school or is currently enrolled in that school.

20 (f) A pupil approved for a transfer to a school district of
21 enrollment pursuant to this article shall be deemed to have fulfilled
22 the requirements of Section 48204.

23 *SEC. 4. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*

28 ~~SECTION 1. Section 51222 of the Education Code is amended~~
29 ~~to read:~~

30 ~~51222. (a) All pupils, except pupils excused or exempted~~
31 ~~pursuant to Section 51241, shall be required to attend courses of~~
32 ~~physical education for a total period of time of not less than 400~~
33 ~~minutes each 10 schooldays. A pupil may be excused from physical~~
34 ~~education classes during one of grades 10, 11, or 12 for not to~~
35 ~~exceed 24 clock hours in order to participate in automobile driver~~
36 ~~training. A pupil who is excused from physical education classes~~
37 ~~to enroll in automobile driver training shall attend a minimum of~~
38 ~~7,000 minutes of physical education instruction during the school~~
39 ~~year.~~

1 ~~(b) The governing board of a school district that maintains a~~
2 ~~high school and that elects to exempt pupils from required~~
3 ~~attendance in physical education courses pursuant to paragraph~~
4 ~~(1) or (2) or both of subdivision (b) of Section 51241 shall offer~~
5 ~~those exempted pupils a variety of elective physical education~~
6 ~~courses of not less than 400 minutes each 10 schooldays.~~

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