

ASSEMBLY BILL

No. 1670

Introduced by Assembly Member Donnelly

February 12, 2014

An act to amend Section 48356 of the Education Code, relating to school enrollment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1670, as introduced, Donnelly. School enrollment: 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 a school in a school district other than the school district in which the parent of the pupil resides, as specified. The Open Enrollment Act requires a school district of enrollment, as defined, 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 make nonsubstantive changes to certain provisions of the Open Enrollment 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 48356 of the Education Code is amended
- 2 to read:

1 48356. (a) A school district of enrollment may adopt specific,
2 written standards for acceptance and rejection of applications
3 pursuant to this article. The standards may include consideration
4 of the capacity of a program, class, grade level, school building,
5 or adverse financial impact. Subject to subdivision (b), and except
6 as necessary in accordance with Section 48355, the standards shall
7 not include consideration of a pupil's previous academic
8 achievement, physical condition, proficiency in the English
9 language, family income, or any of the individual characteristics
10 set forth in Section 200.

11 (b) In considering an application pursuant to this article, a
12 ~~nonresident~~ school district *of enrollment* may apply its usual
13 requirements for admission to a magnet school or a program
14 designed to serve gifted and talented pupils.

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

19 (d) A school district of enrollment shall ensure that pupils
20 enrolled pursuant to standards adopted pursuant to this section are
21 enrolled in a school with a higher Academic Performance Index
22 than the school in which the pupil was previously enrolled and are
23 selected through a random, unbiased process that prohibits an
24 evaluation of whether or not the pupil should be enrolled based
25 on his or her individual academic or athletic performance, or any
26 of the other characteristics set forth in subdivision (a), except that
27 pupils applying for a transfer pursuant to this article shall be
28 assigned priority for approval as follows:

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

31 (2) Second priority for pupils transferring from a program
32 improvement school ranked in decile 1 on the Academic
33 Performance Index determined pursuant to subdivision (a) of
34 Section 48352.

35 (3) If the number of pupils who request a particular school
36 exceeds the number of spaces available at that school, a lottery
37 shall be conducted in the group priority order identified in
38 paragraphs (1) and (2) to select pupils at random *for acceptance*
39 until all of the available spaces are filled.

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

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

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