

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1156

Introduced by Senator Huff

February 18, 2016

An act to amend Section 48360 of, ~~and to amend, repeal, and add Sections 48352, 48354, and 48356~~ 48356, and 48359, to add Sections 48357.5, 48359.3, and 48362 to, and to repeal Article 10 (commencing with Section 48350) of Chapter 2 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1156, as amended, Huff. School accountability: Open Enrollment Act: low-achieving schools.

(1) Commencing with the 2017–18 school year, the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, requires the state to identify schools for comprehensive support and improvement pursuant to specified accountability system requirements.

Existing state law, the Open Enrollment Act, *Act (the 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 resides, as specified. The act defines “low-achieving school” to mean a school on a list created annually by the Superintendent of Public Instruction of 1,000 schools ranked by increasing Academic Performance Index score with the same

ratio of elementary, middle, and high schools as existed in decile 1 in the 2008–09 school year.

Commencing July 1, 2018, this bill would instead define a “low-achieving school” for purposes of the ~~Open Enrollment Act~~ *act* to include, among others, a school identified by the Superintendent or the State Board of Education for comprehensive support and improvement pursuant to federal specified accountability system requirements, including, among others, a school identified as being in the lowest performing 5% of all Title I schools, or a high school failing to graduate $\frac{1}{3}$ or more of its pupils. ~~Notwithstanding those provisions, the~~ *The bill would provide that a “low-achieving school” shall not include a court, community, or community day school, or a charter school. school, limit the total number of low-achieving schools to no more than 1,000, and prohibit more than 10% of a local educational agency’s schools from being low-performing. Commencing July 1, 2018, the bill would prohibit a school district of enrollment from not accepting transfers due to the costs associated with those transfers or because the pupil is special needs, including an individual with exceptional needs, or the pupil is an English learner, and would authorize a school district of residence to prohibit or limit transfers pursuant to the act only in specified circumstances relating to desegregation.* The bill would also make conforming changes. To the extent the bill would expand the duties of school districts under the ~~Open Enrollment Act~~, *act*, the bill would impose a state-mandated local program.

(2) The act encourages each school district to keep an accounting of all requests made for alternative attendance pursuant to the act and records of all disposition of those requests, as provided.

Commencing July 1, 2018, this bill would instead require each school district of enrollment to keep that information and would require the Superintendent to collect that information, as provided. On or before July 1, 2017, the bill would require the Superintendent to report to the appropriate fiscal and policy committees of the Legislature, the Governor, and the Legislative Analyst’s Office, the plan for collecting the information. Commencing July 1, 2018, the bill would require the school district of enrollment, on or before May 15 of each year, to report the information to each school district that is geographically adjacent, to its county office of education, and to the Superintendent, as specified, and would also require the Superintendent to annually make certain information available to the appropriate fiscal and policy committees

of the Legislature, the Governor, and the Legislative Analyst’s Office, as provided. To the extent the bill would expand the duties of school districts under the act, the bill would impose a state-mandated local program.

~~(2) Existing law requires the Superintendent of Public Instruction~~

(3) The act requires the Superintendent to contract for an independent evaluation of the open enrollment program, as provided. Existing law requires the Superintendent to provide a final evaluation report to the Legislature, Governor, and State Board of Education on or before October 1, 2014.

This bill would require the Legislative Analyst’s Office to complete an evaluation of, and to make recommendations on, the open enrollment program, as provided. The bill would require the Legislative Analyst’s Office to submit the final evaluation report to the Legislature, Governor, and state board on or before December 1, 2021. The bill would require the Superintendent to provide the data necessary to complete the report to the Legislative Analyst’s Office by December 1, 2020.

(4) This bill would make the act inoperative on July 1, 2022, and would repeal the act on January 1, 2023.

~~(3)~~

(5) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: 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. (a) For purposes of this article, the following definitions
4 apply:

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

7 (A) Consistent with subparagraph (B), the Superintendent
8 annually shall create a list of 1,000 schools ranked by increasing

1 API with the same ratio of elementary, middle, and high schools
2 as existed in decile 1 in the 2008–09 school year.

3 (B) In constructing the list of 1,000 schools each year, the
4 Superintendent shall ensure each of the following:

5 (i) A local educational agency shall not have more than 10
6 percent of its schools on the list. However, if the number of schools
7 in a local educational agency is not evenly divisible by 10, the
8 Superintendent shall round up to the next whole number of schools.

9 (ii) Court, community, or community day schools shall not be
10 included on the list.

11 (iii) Charter schools shall not be included on the list.

12 (2) “Parent” means the natural or adoptive parent or guardian
13 of a dependent child.

14 (3) “School district of enrollment” means a school district other
15 than the school district in which the parent of a pupil resides, but
16 in which the parent of the pupil nevertheless intends to enroll the
17 pupil pursuant to this article.

18 (4) “School district of residence” means a school district in
19 which the parent of a pupil resides and in which the pupil would
20 otherwise be required to enroll pursuant to Section 48200.

21 (b) This section shall become inoperative on July 1, 2018, and,
22 as of January 1, 2019, is repealed, unless a later enacted statute,
23 that becomes operative on or before January 1, 2019, deletes or
24 extends the dates on which it becomes inoperative and is repealed.

25 SEC. 2. Section 48352 is added to the Education Code, to read:
26 48352. (a) For purposes of this article, the following definitions
27 apply:

28 (1) (A) “Low-achieving school” means either of the following:

29 (i) A school that is identified by the Superintendent or the state
30 board for comprehensive support and improvement pursuant to
31 the accountability system requirements of the federal Elementary
32 and Secondary Education Act of 1965 (20 U.S.C. Sec. 6311), as
33 amended by the federal Every Student Succeeds Act (Public Law
34 114-95), including all of the following:

35 (I) A school identified as being in the lowest performing 5
36 percent of all Title I schools.

37 (II) A high school that fails to graduate one-third or more of its
38 pupils.

39 (III) A school subject to a mandatory targeted support and
40 improvement plan.

1 (ii) A school receiving mandatory assistance pursuant to
2 subdivision (f) of Section 52074.

3 (B) Notwithstanding subparagraph (A), a “low-achieving
4 school” shall not include the following schools: *court, community,*
5 *or community day schools.*

6 ~~(i) Court, community, or community day schools.~~

7 ~~(ii) Charter schools.~~

8 (2) “Parent” means the natural or adoptive parent or guardian
9 of a dependent child.

10 (3) “School district of enrollment” means a school district other
11 than the school district in which the parent of a pupil resides, but
12 in which the parent of the pupil nevertheless intends to enroll the
13 pupil pursuant to this article.

14 (4) “School district of residence” means a school district in
15 which the parent of a pupil resides and in which the pupil would
16 otherwise be required to enroll pursuant to Section 48200.

17 (b) *The number of schools identified as low-achieving schools*
18 *shall not exceed 1,000 schools.*

19 (c) *A local educational agency shall not have more than 10*
20 *percent of its schools identified as low-achieving schools. However,*
21 *if the number of schools in a local educational agency is not evenly*
22 *divisible by 10, the Superintendent shall round up to the next whole*
23 *number of schools.*

24 ~~(b)~~

25 (d) This section shall become operative on July 1, 2018.

26 SEC. 3. Section 48354 of the Education Code is amended to
27 read:

28 48354. (a) The parent of a pupil enrolled in a low-achieving
29 school may submit an application for the pupil to attend a school
30 in a school district of enrollment pursuant to this article.

31 (b) (1) Consistent with the requirements of Section
32 1116(b)(1)(E) of the federal Elementary and Secondary Education
33 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first
34 day of the school year, or, if later, on the date the notice of program
35 improvement, corrective action, or restructuring status is required
36 to be provided under federal law, the school district of residence
37 shall provide the parents and guardians of all pupils enrolled in a
38 low-achieving school, as determined pursuant to paragraph (1) of
39 subdivision (a) of Section 48352, with notice of the option to

1 transfer to another public school served by the school district of
2 residence or another school district.

3 (2) An application requesting a transfer pursuant to this article
4 shall be submitted by the parent of a pupil to the school district of
5 enrollment before January 1 of the school year preceding the school
6 year for which the pupil is requesting to transfer. The school district
7 of enrollment may waive the deadline specified in this paragraph.

8 (3) The application deadline specified in paragraph (2) does not
9 apply to an application requesting a transfer if the parent, with
10 whom the pupil resides, is enlisted in the military and was relocated
11 by the military within 90 days before submitting the application.

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

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

17 (6) In order to provide priority enrollment opportunities for
18 pupils residing in the school district, a school district of enrollment
19 shall establish a period of time for resident pupil enrollment before
20 accepting transfer applications pursuant to this article.

21 (c) This section shall become inoperative on July 1, 2018, and,
22 as of January 1, 2019, is repealed, unless a later enacted statute,
23 that becomes operative on or before January 1, 2019, deletes or
24 extends the dates on which it becomes inoperative and is repealed.

25 SEC. 4. Section 48354 is added to the Education Code, to read:

26 48354. (a) The parent of a pupil enrolled in a low-achieving
27 school may submit an application for the pupil to attend a school
28 in a school district of enrollment pursuant to this article.

29 (b) (1) Consistent with the authorization in Section
30 1111(d)(1)(D) of the federal Elementary and Secondary Education
31 Act of 1965 (20 U.S.C. Sec. 6311), as amended by the federal
32 Every Student Succeeds Act (Public Law 114-95), on or before
33 the first day of the school year, or, if later, on the date of the notice
34 of identification of schools for comprehensive support and
35 improvement, the school district of residence shall provide the
36 parents and guardians of all pupils enrolled in a low-achieving
37 school, as determined pursuant to paragraph (1) of subdivision (a)
38 of Section 48352, with notice of the option to transfer to another
39 public school served by the school district of residence or another
40 school district.

1 (2) An application requesting a transfer pursuant to this article
2 shall be submitted by the parent of a pupil to the school district of
3 enrollment before January 1 of the school year preceding the school
4 year for which the pupil is requesting to transfer. The school district
5 of enrollment may waive the deadline specified in this paragraph.

6 (3) The application deadline specified in paragraph (2) does not
7 apply to an application requesting a transfer if the parent, with
8 whom the pupil resides, is enlisted in the military and was relocated
9 by the military within 90 days before submitting the application.

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

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

15 (6) In order to provide priority enrollment opportunities for
16 pupils residing in the school district, a school district of enrollment
17 shall establish a period of time for resident pupil enrollment before
18 accepting transfer applications pursuant to this article.

19 (c) This section shall become operative on July 1, 2018.

20 SEC. 5. Section 48356 of the Education Code is amended to
21 read:

22 48356. (a) A school district of enrollment may adopt specific,
23 written standards for acceptance and rejection of applications
24 pursuant to this article. The standards may include consideration
25 of the capacity of a program, class, grade level, school building,
26 or adverse financial impact. Subject to subdivision (b), and except
27 as necessary in accordance with Section 48355, the standards shall
28 not include consideration of a pupil's previous academic
29 achievement, physical condition, proficiency in the English
30 language, family income, or any of the individual characteristics
31 set forth in Section 200.

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

36 (c) Subject to the rules and standards that apply to pupils who
37 reside in the school district of enrollment, a nonresident pupil who
38 is enrolled in one of the school district's schools pursuant to this
39 article shall not be required to submit an application in order to
40 remain enrolled.

1 (d) A school district of enrollment shall ensure that pupils
2 enrolled pursuant to standards adopted pursuant to this section are
3 enrolled in a school with a higher Academic Performance Index
4 than the school in which the pupil was previously enrolled and are
5 selected through a random, unbiased process that prohibits an
6 evaluation of whether or not the pupil should be enrolled based
7 on his or her individual academic or athletic performance, or any
8 of the other characteristics set forth in subdivision (a), except that
9 pupils applying for a transfer pursuant to this article shall be
10 assigned priority for approval as follows:

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

13 (2) Second priority for pupils transferring from a program
14 improvement school ranked in decile 1 on the Academic
15 Performance Index, as determined pursuant to paragraph (1) of
16 subdivision (a) of Section 48352.

17 (3) If the number of pupils who request a particular school
18 exceeds the number of spaces available at that school, a lottery
19 shall be conducted in the group priority order identified in
20 paragraphs (1) and (2) to select pupils at random until all of the
21 available spaces are filled.

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

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

30 (g) This section shall become inoperative on July 1, 2018, and,
31 as of January 1, 2019, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2019, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 SEC. 6. Section 48356 is added to the Education Code, to read:

35 48356. (a) A school district of enrollment may adopt specific,
36 written standards for acceptance and rejection of applications
37 pursuant to this article. The standards may include consideration
38 of the capacity of a program, class, grade level, school building,
39 or adverse financial impact. Subject to subdivision (b), and except
40 as necessary in accordance with Section 48355, the standards shall

1 not include consideration of a pupil's previous academic
2 achievement, physical condition, proficiency in the English
3 language, family income, or any of the individual characteristics
4 set forth in Section 200.

5 (b) In considering an application pursuant to this article, a school
6 district of enrollment may apply its usual requirements for
7 admission to a magnet school or a program designed to serve gifted
8 and talented pupils.

9 (c) Subject to the rules and standards that apply to pupils who
10 reside in the school district of enrollment, a nonresident pupil who
11 is enrolled in one of the school district's schools pursuant to this
12 article shall not be required to submit an application in order to
13 remain enrolled.

14 (d) A school district of enrollment shall ensure that pupils
15 enrolled pursuant to standards adopted pursuant to this section are
16 enrolled in a school not identified as being a low-achieving school
17 pursuant to paragraph (1) of subdivision (a) of Section 48352 and
18 are selected through a random, unbiased process that prohibits an
19 evaluation of whether or not the pupil should be enrolled based
20 on his or her individual academic or athletic performance, or any
21 of the other characteristics set forth in subdivision (a), except that
22 pupils applying for a transfer pursuant to this article shall be
23 assigned priority for approval as follows:

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

26 (2) Second priority for unduplicated pupils, as defined in
27 paragraph (1) of subdivision (b) of Section 42238.02, transferring
28 from a low-achieving school, as determined pursuant to paragraph
29 (1) of subdivision (a) of Section 48352.

30 (3) If the number of pupils who request a particular school
31 exceeds the number of spaces available at that school, a lottery
32 shall be conducted in the group priority order identified in
33 paragraphs (1) and (2) to select pupils at random until all of the
34 available spaces are filled.

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

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

4 (g) *Communications to parents by school districts of enrollment*
5 *shall be factually accurate and not target individual parents or*
6 *residential neighborhoods on the basis of a child's actual or*
7 *perceived academic or athletic performance or any other personal*
8 *characteristic.*

9 (h) *All communications from the school district of enrollment*
10 *regarding the transfer opportunities pursuant to this article shall*
11 *be available in all languages required for the school district of*
12 *residence pursuant to Section 48985.*

13 (i) (1) *The school district of enrollment shall not prohibit a*
14 *transfer of a pupil under this article based upon a determination*
15 *by the governing board of that school district that the additional*
16 *cost of educating the pupil would exceed the amount of additional*
17 *state aid received as a result of the transfer. A school district of*
18 *enrollment shall not reject the transfer of a special needs pupil,*
19 *including an individual with exceptional needs, as defined in*
20 *Section 56026, or an English learner.*

21 (2) *This subdivision is intended to ensure that special education,*
22 *bilingual, English learner, or other special needs pupils are not*
23 *discriminated against by the school district of enrollment because*
24 *of the costs associated with educating those pupils. Pupils with*
25 *special needs may take full advantage of the choice options*
26 *available under this article.*

27 (j) *A school district of enrollment, with respect to compliance*
28 *with subdivisions (d) and (g), shall be subject to the audit*
29 *conducted pursuant to Section 41020.*

30 ~~(g)~~

31 (k) This section shall become operative on July 1, 2018.

32 SEC. 7. Section 48357.5 is added to the Education Code, to
33 read:

34 48357.5. (a) *A school district of residence, upon notification*
35 *of the pupil's acceptance to the school district of enrollment, may*
36 *prohibit the transfer of a pupil under this article or limit the*
37 *number of pupils so transferred if the governing board of the school*
38 *district of residence determines that the transfer would negatively*
39 *impact any of the following:*

1 (1) *The court-ordered desegregation plan of the school district*
2 *of residence.*

3 (2) *The voluntary desegregation plan of the school district of*
4 *residence, consistent with the provisions of Proposition 209, an*
5 *initiative measure adopted by the voters at the November 5, 1996,*
6 *General Election.*

7 (3) *The racial and ethnic balance of the school district of*
8 *residence, consistent with the provisions of Proposition 209, an*
9 *initiative measure adopted by the voters at the November 5, 1996,*
10 *General Election.*

11 (b) *This section shall become operative on July 1, 2018.*

12 SEC. 8. *Section 48359 of the Education Code is amended to*
13 *read:*

14 48359. (a) Each school district is encouraged to keep an
15 accounting of all requests made for alternative attendance pursuant
16 to this article and records of all disposition of those requests that
17 may include, but are not limited to, all of the following:

18 (1) The number of requests granted, denied, or withdrawn. In
19 the case of denied requests, the records may indicate the reasons
20 for the denials.

21 (2) The number of pupils who transfer out of the district.

22 (3) The number of pupils who transfer into the district.

23 (4) The race, ethnicity, gender, self-reported socioeconomic
24 status, and the school district of residence of each of the pupils
25 described in paragraphs (2) and (3).

26 (5) The number of pupils described in paragraphs (2) and (3)
27 who are classified as English learners or identified as individuals
28 with exceptional needs, as defined in Section 56026.

29 (b) The information maintained pursuant to subdivision (a) may
30 be reported to the governing board of the school district at a
31 regularly scheduled meeting of the governing board.

32 (c) *This section shall become inoperative on July 1, 2018, and,*
33 *as of January 1, 2019, is repealed, unless a later enacted statute,*
34 *that becomes operative on or before January 1, 2019, deletes or*
35 *extends the dates on which it becomes inoperative and is repealed.*

36 SEC. 9. *Section 48359 is added to the Education Code, to read:*

37 48359. (a) *Each school district of enrollment shall keep an*
38 *accounting of all requests made for alternative attendance pursuant*
39 *to this article and records of all disposition of those requests that*
40 *may include, but are not limited to, all of the following:*

1 (1) *The number of requests granted, denied, or withdrawn. In*
2 *the case of denied requests, the records shall indicate the reasons*
3 *for the denials.*

4 (2) *The number of pupils who transfer out of the school district*
5 *of residence pursuant to this article.*

6 (3) *The number of pupils who transfer into the school district*
7 *of enrollment pursuant to this article.*

8 (4) *The race, ethnicity, gender, self-reported socioeconomic*
9 *status, and the school district of residence of each of the pupils*
10 *described in paragraphs (2) and (3).*

11 (5) *The number of pupils described in paragraphs (2) and (3)*
12 *who are classified as English learners or identified as individuals*
13 *with exceptional needs, as defined in Section 56026.*

14 (b) *The information maintained pursuant to subdivision (a)*
15 *shall be reported to the governing board of the school district of*
16 *enrollment at a regularly scheduled meeting of the governing*
17 *board. No later than May 15th of each year, the school district of*
18 *enrollment shall report the information maintained pursuant to*
19 *subdivision (a) for that school year to each school district that is*
20 *geographically adjacent to the school district of enrollment, the*
21 *county office of education in which the school district of enrollment*
22 *is located, and the Superintendent through the California*
23 *Longitudinal Pupil Achievement Data System or other electronic*
24 *program.*

25 (c) *The Superintendent shall do both of the following:*

26 (1) *Collect the information specified in subdivision (a) from*
27 *each school district of enrollment. The Superintendent shall ensure*
28 *that school districts of enrollment provide this information in a*
29 *complete format. The Superintendent may provide a template for*
30 *school districts of enrollment to use and may issue guidance*
31 *regarding the procedures for collecting and reporting data.*

32 (2) *Post the information collected pursuant to paragraph (1)*
33 *on the department's Internet Web site. The information shall be*
34 *accompanied by an explanation of the transfers authorized by this*
35 *article. The Superintendent shall make this information available*
36 *by request to any school district.*

37 (d) *The Superintendent may require the information specified*
38 *in subdivision (a) to be provided through the California*
39 *Longitudinal Pupil Achievement Data System, another data*
40 *collection system administered by the department, or another*

1 manner authorized by the Superintendent. It is the intent of the
2 Legislature that the Superintendent collect the data in a manner
3 that minimizes the administrative burden for school districts and
4 the department.

5 (e) The Superintendent shall annually make all of the following
6 information available to the appropriate fiscal and policy
7 committees of the Legislature, the Governor, and the Legislative
8 Analyst's Office:

9 (1) The number and characteristics of pupils who use the school
10 district open enrollment option pursuant to this article.

11 (2) The assessment scores of schools in school districts of
12 residence and school districts of enrollment pursuant to subdivision
13 (b) of Section 60640.

14 (3) The graduation rates of school districts of enrollment and
15 school districts of residence.

16 (4) The enrollment of school districts of residence and school
17 districts of enrollment for the previous five years.

18 (5) The fiscal health of school districts of residence and school
19 districts of enrollment, including, but not limited to, both of the
20 following:

21 (A) Increasing or declining enrollment.

22 (B) Whether a school district received a negative or qualified
23 rating pursuant to Section 42131.

24 (6) Other information the Superintendent deems appropriate.

25 (f) This section shall become operative on July 1, 2018.

26 SEC. 10. Section 48359.3 is added to the Education Code, to
27 read:

28 48359.3. On or before July 1, 2017, the Superintendent shall
29 report to the appropriate fiscal and policy committees of the
30 Legislature, the Governor, and the Legislative Analyst's Office a
31 description of the plan for collecting the data specified in
32 subdivision (a) of Section 48359, as required pursuant to
33 subdivisions (c) and (d) of Section 48359, as added by the act
34 adding this section.

35 ~~SEC. 7.~~

36 SEC. 11. Section 48360 of the Education Code is amended to
37 read:

38 48360. (a) The Legislative Analyst's Office shall complete an
39 evaluation of the open enrollment program operated pursuant to

1 this article. The evaluation shall, at a minimum, consider all of the
2 following:

3 (1) The levels of, and changes in, academic achievement of
4 pupils in school districts of residence and school districts of
5 enrollment for pupils who do and do not elect to enroll in a school
6 district of enrollment.

7 (2) Fiscal and programmatic effects on school districts of
8 residence and school districts of enrollment.

9 (3) Numbers and demographic and socioeconomic characteristics
10 of pupils who do and do not elect to enroll in a school district of
11 enrollment.

12 (b) The Legislative Analyst's Office shall make
13 recommendations on any additional or revised eligibility criteria
14 for the open enrollment program based on the state's new
15 accountability system adopted for purposes of complying with the
16 federal Elementary and Secondary Education Act of 1965 (20
17 U.S.C. Sec. 6311), as amended by the federal Every Student
18 Succeeds Act (Public Law 114-95), including the use of local
19 control funding formula unduplicated subgroup criteria, and may
20 also include recommendations on whether other open enrollment
21 program provisions should be altered, expanded, or deleted. The
22 final evaluation report shall be submitted by the Legislative
23 Analyst's Office to the Legislature, Governor, and state board on
24 or before December 1, 2021. The Superintendent shall provide the
25 data necessary to complete the report to the Legislative Analyst's
26 Office by December 1, 2020.

27 *SEC. 12. Section 48362 is added to the Education Code, to*
28 *read:*

29 *48362. This article shall become inoperative on July 1, 2022,*
30 *and, as of January 1, 2023, is repealed, unless a later enacted*
31 *statute, that becomes operative on or before January 1, 2023,*
32 *deletes or extends the dates on which it becomes inoperative and*
33 *is repealed.*

34 ~~SEC. 8.~~

35 *SEC. 13.* If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O