

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 13, 2016

**SENATE BILL**

**No. 1432**

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**Introduced by Senator Huff**

(Principal coauthors: Assembly Members Chang and Olsen)

**(Coauthor: Senator Roth)**

(Coauthor: Assembly Member Medina)

February 19, 2016

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An act to amend Sections 48301, 48302, 48307, 48308, 48312, 48313, 48314, 48315, and 48316 ~~of, and to add Section 48309.5 to, of~~ the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1432, as amended, Huff. School attendance: pupil transfer options: school districts of choice.

(1) Existing law requires each person between the ages of 6 and 18 years, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to accept pupils from other school districts by adopting a resolution to become a school district of choice, as defined, and authorizes the governing board of a school district of choice to ensure, by resolution, that pupils accepted for transfer are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Existing law authorizes either a pupil's school district of residence or a school district of choice to prohibit the transfer of a pupil into a school district of choice or limit the number of pupils transferred into a school district of choice if the governing board of the school district determines

that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the school district or the racial and ethnic balance of the school district. Existing law requires a school district of choice, at its expense, to ensure that the auditor who conducts the annual financial audit of the school district reviews compliance with the requirements for a random, unbiased selection process and appropriate communications at the same time that he or she is conducting the annual audit, and requires the school district to notify the auditor regarding this compliance review prior to the commencement of the annual audit.

This bill would require, instead of authorize, the governing board of the school district of choice to ensure, by resolution, that pupils accepted for transfer are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. The bill would authorize only a pupil's school district of residence to prohibit the transfer of a pupil into a school district of choice or limit the number of pupils transferred into a school district of choice if the governing board of the school district of residence determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the school district of residence or the racial and ethnic balance of the school district of residence. The bill would revise the provisions relating to the audit. ~~The bill would also authorize the parent of a pupil who is denied a transfer to appeal that decision to the county superintendent of schools of the county in which the school district issuing the denial is located, as provided. The bill would also authorize a school district of choice to bring a complaint against a school district of residence and a school district of residence to bring a complaint against a school district of choice to a county superintendent of schools, as provided. The bill would require the county superintendent of schools to rely only on certain provisions of existing law and determine only whether they were applied accurately.~~ To the extent this would impose additional duties on county superintendents of schools, the bill would impose a state-mandated local program.

(2) Existing law authorizes a school district of residence, as defined, to limit the number of pupils who transfer out each year by a certain percentage, and also authorizes a school district with an average daily attendance of less than 50,000 to limit the maximum number of pupils transferring out for the duration of the program to 10% of the average daily attendance for that period. Existing law authorizes a school district of residence to limit transfers if it has a negative or qualified status on

the most recent budget certification, or to limit the number of pupils to a number identified by the county superintendent of schools, as specified, if the county superintendent determines that the school district will not meet the standards and criteria for fiscal stability for the subsequent fiscal year due to the impact of additional pupil transfers in that fiscal year.

This bill would ~~instead~~ authorize a school district of residence with an average daily attendance of 50,000 or less to limit the maximum number of pupils enrolled in all school districts of choice, at any given time, to 10% of the average daily attendance. The bill would also establish procedures, as provided, by which school districts of residence may implement the ~~other~~ limits.

(3) Existing law authorizes a school district of choice to notify a school district of residence when the school district of choice accepts a pupil from that school district of residence.

This bill would instead require a school district of choice to notify a school district of residence when the school district of choice accepts or provisionally accepts a pupil from that school district of residence, as specified.

(4) Existing law authorizes school districts to make information regarding their schools, programs, policies, and procedures available to any interested person upon request.

This bill would ~~instead require school districts to make information regarding their schools, programs, policies, and procedures available to any interested person upon request and~~ would require a school district of choice to ~~also~~ make public announcements regarding its schools, programs, policies, and procedures during the enrollment period. To the extent this would impose additional duties on school districts, the bill would impose a state-mandated local program.

(5) Existing law requires the Legislative Analyst annually to make specified information regarding districts of choice transfers available to the Governor and the appropriate fiscal and policy committees of the Legislature.

This bill would instead assign those duties to the Superintendent of Public Instruction.

(6) Existing law requires the Legislative Analyst to conduct, after consulting with appropriate legislative staff, a comprehensive evaluation of the district of choice program, make recommendations regarding the extension of the program, incorporate in that evaluation the data annually made available by the Department of Finance, and complete and submit

the evaluation and the recommendations to the appropriate education policy committees of the Legislature and the Governor by January 31, 2016.

This bill would, instead, require the Legislative Analyst to complete and submit the evaluation and the recommendations to the appropriate education policy committees of the Legislature and the Governor by January 31, 2020.

(7) Existing law makes the school district of choice program inoperative on July 1, 2017, and repeals the program on January 1, 2018.

This bill would extend the inoperative date to July 1, 2022, and the repeal date to January 1, 2023.

(8) This bill would make other related changes, make clarifying changes, recast certain provisions of existing law, and make other nonsubstantive changes.

(9) 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 48301 of the Education Code is amended  
2     to read:  
3     48301. (a) (1) The governing board of any school district may  
4     elect to operate the school district as a school district of choice  
5     and may accept transfers from school districts of residence pursuant  
6     to this article. If the governing board of a school district elects to  
7     accept transfers as authorized under this article, it shall, by  
8     resolution, determine and adopt the number of transfers it is willing  
9     to accept under this article and ensure that pupils admitted under  
10    this article are selected through a random, unbiased process that  
11    prohibits an evaluation of whether or not a pupil should be enrolled  
12    based upon his or her academic or athletic performance.

(2) If the number of transfer applications exceeds the number of transfers the governing board of a school district of choice elects to accept under this article, approval for transfer pursuant to this article shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board of the school district of choice.

(b) Communications to parents by school districts of choice shall be factually accurate and not target individual parents, residential neighborhoods, or any other specific ascertainable cohort on the basis of a pupil or pupils' actual or perceived academic or athletic skill or other personal characteristic.

(c) A school district of choice, with respect to compliance with subdivisions (a) and (b), shall be subject to the audit conducted pursuant to Section 41020.

(d) A school district of choice shall post application information on its Internet Web site. This information shall include, at a minimum, any applicable form and timeline for a transfer pursuant to this article. It also shall include an explanation of the selection process the school district of choice implements pursuant to subdivision (a).

(e) A pupil attending a school in a school district of choice shall be deemed to have fulfilled the requirements of Section 48204.

SEC. 2. Section 48302 of the Education Code is amended to read:

48302. School districts are encouraged to hold informational meetings and make public announcements on the current educational programs the school district is offering so that parents may provide input to the school district on methods to improve the current programs and so that parents may make informed decisions regarding their children's education.

SEC. 3. Section 48307 of the Education Code is amended to read:

48307. (a) ~~Once a~~ A school district of residence with an average daily attendance greater than 50,000 ~~has received notification from a school district of choice that a number of pupils that the school district of residence calculates to be equal~~ *may limit the number of pupils transferring out each year* to 1 percent of its current year estimated average daily attendance ~~have been accepted into that school district of choice for the following school year; the school district of residence may, by resolution in a public~~

1 meeting of the governing board of the school district of residence;  
2 restrict any further pupils from transferring under this article to  
3 that school district of choice for the upcoming school year.  
4 *attendance.*

5 (b) ~~Once a~~ A school district of residence with an average daily  
6 attendance of 50,000 or less ~~has been notified from a school district~~  
7 ~~of choice that a number of pupils that the school district of~~  
8 ~~residence calculates to be equal~~ *may limit the number of pupils*  
9 *transferring out* to 3 percent of its current year estimated average  
10 daily attendance have been accepted into that school district of  
11 choice for the following school year, the school district of residence  
12 ~~may, by resolution in a public meeting of the governing board of~~  
13 ~~the school district of residence, restrict any further pupils from~~  
14 ~~transferring under this article to that school district of choice for~~  
15 ~~the upcoming school year.~~ *attendance.*

16 (c) A school district of residence with an average daily  
17 attendance of 50,000 or less may limit the total number of pupils  
18 enrolled in all school districts of choice, at any given time, to 10  
19 percent of the school district of residence's average daily  
20 attendance at that point in time. A school district of residence shall  
21 authorize additional pupils to participate in the program authorized  
22 by this article as current program participants leave or graduate,  
23 provided that the total number of pupils does not exceed the school  
24 district's 10-percent cap.

25 (d) A school district of residence that has a negative status on  
26 the most recent budget certification completed by the county  
27 superintendent of schools in any fiscal year may limit the number  
28 of pupils who transfer out of the district in that fiscal ~~year~~ *year*;  
29 and once the school district of residence has received notification  
30 from a school district of choice or school districts of choice that  
31 the number of pupils that the school district of residence calculates  
32 to be equal to that limit have been accepted into that school district  
33 of choice or those school districts of choice, *the school district of*  
34 *residence* may, by resolution in a public meeting of the governing  
35 board of the school district of residence, restrict any further pupils  
36 from transferring under this article for the upcoming school year.

37 (e) Notwithstanding any prior or existing certification of a school  
38 district of residence pursuant to Article 3 (commencing with  
39 Section 42130) of Chapter 6 of Part 24, if a county superintendent  
40 of schools determines that a school district of residence would not

1 meet the standards and criteria for fiscal stability specified in  
2 Section 42131 for the subsequent fiscal year exclusively due to  
3 the impact of pupil transfers pursuant to this article, the school  
4 district of residence may limit the number of pupils who transfer  
5 pursuant to this article in the upcoming school year to the number  
6 that the county superintendent of schools identifies beyond which  
7 would result in a qualified or negative certification in the  
8 subsequent fiscal year exclusively as a result of transfers pursuant  
9 to this article. Once the school district of residence has received  
10 notification from a school district of choice or school districts of  
11 choice that the number of pupils that the school district of residence  
12 calculates to be equal to that limit have been accepted into that  
13 school district of choice or those school districts of choice, a school  
14 district of residence may, by resolution in a public meeting of the  
15 governing board of the school district of residence, restrict any  
16 further pupils from transferring under this article for the upcoming  
17 school year.

18 (f) A school district of residence, upon receiving notification  
19 of a pupil's acceptance into the school district of choice, may  
20 prohibit the transfer of a pupil under this article or limit the number  
21 of pupils so transferred if the governing board of the school district  
22 of residence determines that the transfer would negatively impact  
23 any of the following:

24 (1) The court-ordered desegregation plan of the school district  
25 of residence.

26 (2) The voluntary desegregation plan of the school district of  
27 residence.

28 (3) The racial and ethnic balance of the school district of  
29 residence.

30 (g) Notwithstanding any other provision of this article, a school  
31 district of residence shall not prohibit the transfer of a pupil who  
32 is a child of an active military duty parent.

33 (h) A school district of residence shall not adopt policies that  
34 in any way block or discourage pupils from applying for transfer  
35 to a school district of choice.

36 (i) Notwithstanding any other provision of this article, a pupil  
37 attending a school district of choice or a pupil who received a  
38 notice of acceptance into a school district of choice before the  
39 resolution by the school district of residence to restrict further  
40 transfers shall be permitted to attend the school district of choice.

1 SEC. 4. Section 48308 of the Education Code is amended to  
2 read:

3 48308. (a) (1) An application requesting a transfer pursuant  
4 to this article shall be submitted by the parent of a pupil to the  
5 school district of choice before January 1 of the school year  
6 preceding the school year for which the pupil is requesting to be  
7 transferred. This application deadline may be waived upon  
8 agreement of the school district of residence of the pupil and the  
9 school district of choice.

10 (2) The application deadline specified in paragraph (1) does not  
11 apply to an application requesting a transfer if the parent of the  
12 pupil, with whom the pupil resides, is enlisted in the military and  
13 was relocated by the military less than 90 days before submitting  
14 the application.

15 (b) The application may be submitted on a form provided for  
16 this purpose by the department and may request enrollment of the  
17 pupil in a specific school or program of the school district of  
18 choice.

19 (c) (1) No later than February 15 of the school year preceding  
20 the school year for which the pupil is requesting to be transferred,  
21 the governing board of the school district of choice shall notify  
22 the parent in writing whether the application has been provisionally  
23 accepted or rejected or of the placement of the pupil on a waiting  
24 list. Final acceptance or rejection shall be made by May 15  
25 preceding the school year for which the pupil is requesting to be  
26 transferred.

27 (2) If the application is rejected, the governing board of the  
28 school district of choice shall include in the written notification to  
29 the parent the specific reason or reasons for that determination,  
30 and shall ensure that the determination, and the specific reason or  
31 reasons for the determination, are accurately recorded in the  
32 minutes of the board meeting in which the determination was made.

33 (3) If a pupil is accepted or provisionally accepted into a school  
34 district of choice, the school district of choice shall notify the  
35 school district of residence of the pupil no later than March 1 of  
36 the school year preceding the school year for which the pupil is  
37 requesting to be transferred.

38 (4) (A) Notwithstanding paragraph (1), the governing board of  
39 a school district of choice shall, not later than 90 days after receipt  
40 of an application submitted according to paragraph (2) of

1 subdivision (a), make a final acceptance or rejection of that  
2 application. A pupil may enroll in a school in the school district  
3 of choice immediately upon his or her acceptance.

4 (B) If an application submitted according to paragraph (2) of  
5 subdivision (a) is submitted less than 90 days before the beginning  
6 of the school year for which the pupil seeks to be transferred, the  
7 governing board of the school district of choice shall accept or  
8 deny the application before the commencement of the school year.  
9 A pupil may enroll in a school in the school district of choice  
10 immediately upon his or her acceptance.

11 (d) Final acceptance of the transfer is applicable for one school  
12 year and will be renewed automatically each year unless the school  
13 district of choice through the adoption of a resolution elects to no  
14 longer accept any transfer pupils pursuant to this article. However,  
15 if a school district of choice elects to no longer accept pupils under  
16 this article, high school pupils admitted under this article may  
17 continue to attend the same school in the school district of choice  
18 until they graduate from high school.

19 ~~SEC. 5. Section 48309.5 is added to the Education Code, to~~  
20 ~~read:~~

21 ~~48309.5. (a) The parent of a pupil who is denied a transfer~~  
22 ~~pursuant to this article may appeal that decision to the county~~  
23 ~~superintendent of schools of the county in which the school district~~  
24 ~~issuing the denial is located. The county superintendent of schools~~  
25 ~~shall rely only on the provisions of this article and determine only~~  
26 ~~whether they were applied accurately.~~

27 ~~(b) A school district of choice may bring a complaint alleging~~  
28 ~~a violation of this article by a school district of residence to the~~  
29 ~~county superintendent of schools of the county in which the school~~  
30 ~~district of residence is located. The county superintendent of~~  
31 ~~schools shall rely only on the provisions of this article and~~  
32 ~~determine only whether they were applied accurately.~~

33 ~~(c) A school district of residence may bring a complaint alleging~~  
34 ~~a violation of this article by a school district of choice to the county~~  
35 ~~superintendent of schools of the county in which the school district~~  
36 ~~of choice is located. The county superintendent of schools shall~~  
37 ~~rely only on the provisions of this article and determine only~~  
38 ~~whether they were applied accurately.~~

1 ~~(d) Nothing in this section shall be interpreted to limit or restrict~~  
2 ~~any entity from seeking a judicial remedy for a violation of this~~  
3 ~~article.~~

4 ~~SEC. 6.~~

5 *SEC. 5.* Section 48312 of the Education Code is amended to  
6 read:

7 48312. (a) Each school district ~~shall~~ *may* make information  
8 regarding its schools, programs, policies, and procedures available  
9 to any interested person upon request. ~~A~~

10 (b) A school district of choice shall ~~also~~ make public  
11 announcements regarding its schools, programs, policies, and  
12 procedures during the enrollment period.

13 ~~SEC. 7.~~

14 *SEC. 6.* Section 48313 of the Education Code is amended to  
15 read:

16 48313. (a) Pursuant to this article, each school district of choice  
17 shall keep an accounting of all requests made for transfers pursuant  
18 to this article and records of all disposition of those requests that  
19 shall include, but are not limited to, all of the following:

20 (1) The number of requests granted, denied, or withdrawn. In  
21 the case of denied requests, the records shall indicate the reasons  
22 for the denials.

23 (2) The number of pupils transferred out of the school district  
24 of choice pursuant to this article.

25 (3) The number of pupils transferred into the school district of  
26 choice pursuant to this article.

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

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

33 (b) The information maintained pursuant to subdivision (a) shall  
34 be reported to the governing board of the school district of choice  
35 at a regularly scheduled meeting of the governing board of the  
36 school district of choice. No later than May 15th of each year, the  
37 school district of choice shall report the information maintained  
38 pursuant to subdivision (a) for the current school year in addition  
39 to information regarding the district's status as a school district of  
40 choice for the upcoming school year to each school district that is

1 geographically adjacent to the school district of choice, the county  
2 office of education in which the school district of choice is located,  
3 and the Superintendent in a manner consistent with subdivision  
4 (d).

5 (c) The Superintendent shall do all of the following:

6 (1) ~~Maintain and periodically update~~ a list of the school districts  
7 of choice in the state. ~~The Superintendent shall take reasonable~~  
8 ~~steps to verify the accuracy of the list.~~

9 (2) Collect the information specified in subdivision (a) from  
10 each school district of choice. The Superintendent shall ensure  
11 school districts of choice provide this information in a complete  
12 ~~and consistent~~ format. The Superintendent may provide a template  
13 for school districts of choice to use and may issue guidance  
14 regarding the procedures for collecting and reporting data.

15 (3) Post the information collected under paragraphs (1) and (2)  
16 on the Internet Web site of the department. The information shall  
17 be accompanied by explanation of the transfers authorized by this  
18 article. The Superintendent shall make this information available  
19 by request to any school district.

20 (4) Post a single list of all school choice programs, including,  
21 but not limited to, school districts of choice, on the Internet Web  
22 site of the department.

23 (d) (1) The Superintendent may require information specified  
24 in subdivision (a) to be provided through the California  
25 Longitudinal Pupil Achievement Data System, another data  
26 collection system administered by the department, or another  
27 manner authorized by the Superintendent. It is the intent of the  
28 Legislature that the Superintendent collect data in the manner that  
29 minimizes the administrative burden for school districts and the  
30 state.

31 (2) No later than July 1, 2017, the Superintendent shall report  
32 to the appropriate fiscal and policy committees of the Legislature,  
33 the Governor, and the Legislative Analyst's Office with a  
34 description of the plan for collecting the data specified in  
35 subdivision (a).

36 (e) The Superintendent annually shall make all of the following  
37 information available to the appropriate fiscal and policy  
38 committees of the Legislature, the Governor, and the Legislative  
39 Analyst's Office:

1 (1) The number and characteristics of pupils who use the school  
2 district of choice option pursuant to this article.

3 (2) Assessment scores of school districts of choice and school  
4 districts of residence pursuant to subdivision (b) of Section 60640.

5 (3) The graduation rates of school districts of residence and  
6 school districts of choice.

7 (4) The enrollment of school districts of residence and school  
8 districts of choice for the previous five years.

9 (5) The fiscal health of school districts of residence and school  
10 districts of choice, including, but not limited to, both of the  
11 following:

12 (A) Increasing or declining enrollment.

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

15 (6) Whether a school district of residence has exceeded the  
16 transfer limits specified in Section 48307.

17 (7) Other information the Superintendent deems appropriate.

18 ~~SEC. 8.~~

19 *SEC. 7.* Section 48314 of the Education Code is amended to  
20 read:

21 48314. It is the intent of the Legislature that every parent in  
22 this state be informed of their opportunity for currently existing  
23 school district of choice options under this article regardless of  
24 ethnicity, primary language, literacy, or special needs.

25 ~~SEC. 9.~~

26 *SEC. 8.* Section 48315 of the Education Code is amended to  
27 read:

28 48315. This article shall become inoperative on July 1, 2022,  
29 and, as of January 1, 2023, is repealed, unless a later enacted  
30 statute, which becomes effective on or before January 1, 2023,  
31 deletes or extends the dates on which it becomes inoperative and  
32 is repealed.

33 ~~SEC. 10.~~

34 *SEC. 9.* Section 48316 of the Education Code is amended to  
35 read:

36 48316. The Legislative Analyst shall conduct, after consulting  
37 with appropriate legislative staff, a comprehensive evaluation of  
38 the interdistrict transfer program established pursuant to this article  
39 and prepare recommendations regarding the extension of the  
40 program. The evaluation shall incorporate the data described in

1 Section 48313 and shall be completed and submitted, along with  
2 the recommendations regarding extension, to the appropriate  
3 education policy committees of the Legislature and to the Governor  
4 by January 31, 2020.

5 ~~SEC. 11.~~

6 *SEC. 10.* If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.