

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2370

**Introduced by Assembly Member Hernandez
(Coauthors: Assembly Members Ammiano, Coto, De Leon, Hall,
Mendoza, V. Manuel Perez, Torlakson, and Torres)**

February 19, 2010

An act to amend ~~Section 48306~~ of *Sections 48306 and 48307 of*, and to add *Section 48311.5* to, the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, as amended, Hernandez. School districts of choice.

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 interdistrict transfers by adopting a resolution to become a school district of choice, as defined, and authorizes the governing board 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 a school district of choice to reject the transfer of a pupil if the transfer of that pupil would require the district to create a new program to serve that pupil, except that a school district of choice is prohibited from rejecting the transfer of a special needs pupil, including an individual with exceptional needs, and an English learner.

Existing law requires a school district of choice to give priority for attendance to siblings of children already in attendance in that district and authorizes the district to give priority for attendance to children of military personnel.

Existing law authorizes a school district of residence to limit the number of pupils transferring out each year, as specified.

This bill would require a school district of choice to give priority to bilingual pupils, English learners, and pupils with special needs, including individuals with exceptional needs, ~~and would prohibit the school district from enrolling a bilingual pupil, English learner, or pupil with special needs in a school that is identified as a program improvement school for purposes of the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) whether or not the pupil receives priority for attendance.~~ *The bill would make a legislative finding and declaration related to the fiscal responsibilities of the county superintendent of schools in implementing the limitation on the transfers out of a school district of residence. The bill would require a school district of choice to ensure that a pupil who transfers into the district is enrolled in a school with a higher Academic Performance Index score than the school in which the pupil was previously enrolled.*

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 48306 of the Education Code is amended
- 2 to read:
- 3 48306. (a) A school district of choice shall give priority for
- 4 attendance to all of the following:
- 5 (1) Siblings of children already in attendance in that district.
- 6 (2) Bilingual pupils.
- 7 (3) English learners.
- 8 (4) Pupils with special needs, including individuals with
- 9 exceptional needs, as defined in Section 56026.
- 10 (b) A school district of choice may give priority for attendance
- 11 to children of military personnel.
- 12 ~~(c) A school district of choice shall not enroll a bilingual pupil,~~
- 13 ~~English learner, or pupil with special needs in a school that is~~
- 14 ~~identified as a program improvement school for purposes of the~~

1 ~~No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.)~~
2 ~~whether or not that pupil receives priority pursuant to this section.~~

3 *SEC. 2. Section 48307 of the Education Code is amended to*
4 *read:*

5 48307. (a) A school district of residence with an average daily
6 attendance greater than 50,000 may limit the number of pupils
7 transferring out each year to 1 percent of its current year estimated
8 average daily attendance.

9 (b) A school district of residence with an average daily
10 attendance of less than 50,000 may limit the number of pupils
11 transferring out to 3 percent of its current year estimated average
12 daily attendance and may limit the maximum number of pupils
13 transferring out for the duration of the program authorized by this
14 article to 10 percent of the average daily attendance for that period.

15 (c) A school district of residence that has a negative status on
16 the most recent budget certification completed by the county
17 superintendent of schools in any fiscal year may limit the number
18 of pupils who transfer out of the district in that fiscal year.

19 (d) (1) Notwithstanding any prior or existing certification of a
20 school district of residence pursuant to Article 3 (commencing
21 with Section 42130) of Chapter 6 of Part 24 of Division 3, only if
22 the county superintendent of schools determines that the district
23 would not meet the standards and criteria for fiscal stability
24 specified in Section 42131 for the subsequent fiscal year
25 exclusively due to the impact of additional pupil transfers pursuant
26 to this article in that year, the district may limit the number of
27 additional pupils who transfer in the upcoming school year pursuant
28 to this article up to the number that the county superintendent
29 identifies beyond which number of additional transfers would
30 result in a qualified or negative certification in that year exclusively
31 as a result of additional transfers pursuant to this article.

32 (2) *The Legislature finds and declares that the fiscal*
33 *responsibilities of the county superintendent of schools set forth*
34 *in this subdivision are related to the current oversight*
35 *responsibilities of the county superintendent pursuant to Chapter*
36 *6 (commencing with Section 42100) of Part 24 of Division 3.*

37 (e) If a school district of residence limits the number of pupils
38 who transfer out of the district pursuant to subdivision (c) or (d),
39 pupils who have already been enrolled or notified of eligibility for
40 enrollment, including through the random, public selection process

1 prior to the action by the district to limit transfers shall be permitted
2 to attend the school district of choice.

3 (f) Notwithstanding any other provision of this article, a pupil
4 attending a school district of choice or a pupil who received a
5 notice of eligibility to enroll in a school district of choice, including
6 a pupil selected by means of a random selection process conducted
7 on or before June 30, 2009, pursuant to this article, as it read on
8 June 30, 2009, shall be permitted to attend the school district of
9 choice.

10 *SEC. 3. Section 48311.5 is added to the Education Code, to*
11 *read:*

12 *48311.5. A school district of choice shall ensure that a pupil*
13 *who transfers into the district pursuant to this article is enrolled*
14 *in a school with a higher Academic Performance Index score than*
15 *the school in which the pupil was previously enrolled.*