



SCHOOLS  
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## School Business Law Update

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January 6, 2006

### **AMENDMENT TO THE ALTERNATIVE INTER-DISTRICT ATTENDANCE PROGRAM ALSO KNOWN AS THE “SCHOOL DISTRICT OF CHOICE” PROGRAM AB 208, EFFECTIVE JANUARY 1, 2006**

There are two inter-district transfer programs set forth in the Education Code. The first and most commonly utilized by school districts is based upon inter-district attendance agreements and is set forth in Sections 46600-46611 of the Education Code. Under this program, once an agreement is reached between districts, attendance permits may be granted to individual students. The permit may provide terms under which it can be revoked. Recently enacted Assembly Bill 208 does not affect this inter-district transfer program.

The second and less commonly utilized inter-district transfer program is the Alternative Inter-District Attendance Program also known as the “School District of Choice Program.” This inter-district transfer program requires school boards to affirmatively elect, by resolution, to accept transfers pursuant to the dictates of Education Code Sections 48300-48315. With certain exceptions, permission of the district of residence is not required for transfer to a school district of choice.

On August 30, 2005, Assembly Bill 208 was approved by the Governor. Effective January 1, 2006, this bill modifies the School District of Choice Program by amending Education Code Sections 48306 and 48308.

#### Amendment to Education Code Section 48306:

For school districts operating pursuant to the School District of Choice Program, Education Code Section 48306 currently provides that “*Each school district of choice shall give priority for attendance to siblings of children already in attendance in that district.*” Effective January 1, 2006, an additional subsection is added, which provides that “*A school district of choice may give priority for attendance to children of military personnel, if the school district elected to accept transfer pupils pursuant to section 48301 by a resolution adopted by the governing board of the school district prior to April 1, 2005.*”

If a district has become a “School District of Choice” by resolution prior to April 1, 2005, then in addition to giving priority to the siblings of children already in attendance in that district, the district may also give priority to children of military personnel. Giving priority to children of military personnel is discretionary and not mandatory. If the district wishes to exercise its discretion and give priority to military children, the board policies should be modified accordingly.

Amendment to Education Code Section 48308:

For school districts operating pursuant to the School District of Choice program, Education Code Section 48308 currently calls for, among other requirements, that applications for an inter-district transfer be made in a specified time frame and that the school district act on those applications within a specified time frame. Effective January 1, 2006, Section 48308 has been amended to provide different time frames for military children.

The new Section 48308 provides that the application deadline for inter-district transfers does not apply to military children if the military member was relocated by the military within 90 days of submitting the application.

Additionally, the new Section 48308 provides that the school district must accept or reject the military inter-district transfer request within 90 days of receipt of the application, and that upon acceptance the military child may be immediately enrolled.

Further, the new Section 48308 provides that if there are less than 90 days between receipt of the inter-district transfer application and the start of the school year for which the military child seeks to be transferred, the school district must accept or deny the inter-district transfer application prior to the start of the pertinent school year.

If a school district utilizes the school district of choice inter-district transfer program, the provisions of Section 48308 are mandatory.

If you would like more information concerning this topic, do not hesitate to contact me or another member of the Business Practice Group at Schools Legal Service.

—Alan B. Harris

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