



Education Law Update

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“School District of Choice”

Program Revived and Extended - With Significant Changes

On October 11, 2009, Governor Schwarzenegger signed Senate Bill 680 which revived and revised the District of Choice program. (Education Code §§ 48300-48316). The program had become inoperative on July 1, 2009, but is now extended to July 1, 2016.

SB 680 made significant changes to the District of Choice program. Based on the changes, current Districts of Choice, and those districts considering becoming Districts of Choice, should carefully review the new law. Additionally, current Districts of Choice should review their Board Policies and Administrative Regulations to see that they comply with the new provisions of the law.

The significant changes include:

- Under the new law, school districts may again declare "District of Choice" status by Board resolution. Under the old law, a district could not become a District of Choice if it had not done so by 2007.
- Districts of residence may still limit the number of students transferring out to specified percentages of enrollment. But now, the law also permits a district of residence to limit the number of transfers out if it has a negative status on the most recent budget certification. A district of residence may also limit the number of pupils transferring out to a number identified by the county superintendent, if the superintendent determines that the transfers out would prevent the district from meeting the standards and criteria for fiscal stability.

- If the number of transfer applications exceeds the number of transfers the board elected to accept, the new law requires a District of Choice to use a random drawing held in public at a regularly scheduled meeting of the governing board to determine which students may enter the district under the program. Districts must give preference to siblings of students already attending in the district. A district may give preference to children of military personnel.
- A District of Choice may not prohibit a transfer based upon a determination that the additional cost of education the student would exceed the amount of additional state aid received. A District of Choice may reject a transfer that would require the creation of a new program to serve the student, except that a district may not reject the transfer of a special needs pupil, including an individual with exceptional needs, or an English learner.
- The new law requires any communications to parents by the District of Choice to be “factually accurate” and prohibits targeting communications to individual parents or neighborhoods on the basis of a child’s “actual or perceived” academic or athletic performance or any other personal characteristic.
- The new law adds a requirement that a district accepting District of Choice transfers ensure that its auditor, at the time of the annual audit, reviews compliance with the requirements of a random, unbiased selection process and appropriate communications with parents.
- The new law adds to the record keeping requirements of Districts of Choice. Under the old law, districts were required to keep an accounting of all transfer requests and their disposition. Now Districts must also keep records of the race, ethnicity, gender, self-reported socioeconomic status, and school district of residence of each student transferring in or out of the district based on School District of Choice, and the number of students who are English learners and who receive special education. Districts accepting District of Choice transfers are now also required to report this information by May 15 of each year to each adjacent school district, to the county office of education, to the Superintendent of Public Instruction, and to the Department of Finance.

- The new law clarifies that students attending a District of Choice or a student who received a notice of eligibility to enroll in a school district of choice on or before June 30, 2009, will be permitted to attend the School District of Choice.

The changes to the District of Choice program do not change Education Code provisions for interdistrict attendance agreements and residency based upon parental employment.

If you have any questions regarding the changes to the District of Choice law, please contact this office.

— Carol J. Grogan

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