

BA

Fact Sheet

legislation adds to the existing alternatives, including intradistrict open enrollment, Code 310B "Allen bill" transfers, guardian employment, interdistrict attendance, school district of choice, and NCB transfers from Title I public elementary schools.

Does this legislation apply to student transfers in the 2010-11 school year?

No. While school districts must still issue letters to parents regarding the school's status as an "open enrollment" school, the emergency regulations do not require school districts to accept open enrollment or transfer applications for the 2010-11 school year. There has been a lot of confusion regarding the implementation of this legislation. As initially proposed, the SBE's emergency regulations require districts to begin accepting applications for transfers for the 2010-11 school year. CSBA and others testified before the SBE that such a proposal was contrary to the language in the statute and that the school board already begun to plan districts. Thus, the emergency regulations were amended to delete the deadlines for applications for this school year and to make it optional for districts to accept applications this year.

Which districts are affected by this legislation?

Although the legislation authorized the SBE to adopt emergency regulations, the SBE chose to develop two sets of regulations: "emergency" and "regular" regulations. The emergency regulations (10C-110(5)(1)-(2), 10C-110(6)(3), 10C-110(7)(A), 10C-110(8)(1)-(2), 10C-110(9)(1)-(2), 10C-110(10)(1)-(2), 10C-110(11)(1)-(2), 10C-110(12)(1)-(2), 10C-110(13)(1)-(2), 10C-110(14)(1)-(2), 10C-110(15)(1)-(2), 10C-110(16)(1)-(2), 10C-110(17)(1)-(2), 10C-110(18)(1)-(2), 10C-110(19)(1)-(2), 10C-110(20)(1)-(2), 10C-110(21)(1)-(2), 10C-110(22)(1)-(2), 10C-110(23)(1)-(2), 10C-110(24)(1)-(2), 10C-110(25)(1)-(2), 10C-110(26)(1)-(2), 10C-110(27)(1)-(2), 10C-110(28)(1)-(2), 10C-110(29)(1)-(2), 10C-110(30)(1)-(2), 10C-110(31)(1)-(2), 10C-110(32)(1)-(2), 10C-110(33)(1)-(2), 10C-110(34)(1)-(2), 10C-110(35)(1)-(2), 10C-110(36)(1)-(2), 10C-110(37)(1)-(2), 10C-110(38)(1)-(2), 10C-110(39)(1)-(2), 10C-110(40)(1)-(2), 10C-110(41)(1)-(2), 10C-110(42)(1)-(2), 10C-110(43)(1)-(2), 10C-110(44)(1)-(2), 10C-110(45)(1)-(2), 10C-110(46)(1)-(2), 10C-110(47)(1)-(2), 10C-110(48)(1)-(2), 10C-110(49)(1)-(2), 10C-110(50)(1)-(2), 10C-110(51)(1)-(2), 10C-110(52)(1)-(2), 10C-110(53)(1)-(2), 10C-110(54)(1)-(2), 10C-110(55)(1)-(2), 10C-110(56)(1)-(2), 10C-110(57)(1)-(2), 10C-110(58)(1)-(2), 10C-110(59)(1)-(2), 10C-110(60)(1)-(2), 10C-110(61)(1)-(2), 10C-110(62)(1)-(2), 10C-110(63)(1)-(2), 10C-110(64)(1)-(2), 10C-110(65)(1)-(2), 10C-110(66)(1)-(2), 10C-110(67)(1)-(2), 10C-110(68)(1)-(2), 10C-110(69)(1)-(2), 10C-110(70)(1)-(2), 10C-110(71)(1)-(2), 10C-110(72)(1)-(2), 10C-110(73)(1)-(2), 10C-110(74)(1)-(2), 10C-110(75)(1)-(2), 10C-110(76)(1)-(2), 10C-110(77)(1)-(2), 10C-110(78)(1)-(2), 10C-110(79)(1)-(2), 10C-110(80)(1)-(2), 10C-110(81)(1)-(2), 10C-110(82)(1)-(2), 10C-110(83)(1)-(2), 10C-110(84)(1)-(2), 10C-110(85)(1)-(2), 10C-110(86)(1)-(2), 10C-110(87)(1)-(2), 10C-110(88)(1)-(2), 10C-110(89)(1)-(2), 10C-110(90)(1)-(2), 10C-110(91)(1)-(2), 10C-110(92)(1)-(2), 10C-110(93)(1)-(2), 10C-110(94)(1)-(2), 10C-110(95)(1)-(2), 10C-110(96)(1)-(2), 10C-110(97)(1)-(2), 10C-110(98)(1)-(2), 10C-110(99)(1)-(2), 10C-110(100)(1)-(2)) will become effective around November 2010.

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It's important that districts treat all applications consistently. If applications will be accepted this school year, then students should be admitted or denied admittance consistent with the requirements in statute specified below.

How does the CDE determine which schools are on the list of open enrollment schools?

Education Code 48352 requires the CDE to annually create an open enrollment list of 1,000 schools based on a ratio of elementary, middle and high schools as existed in decile 1 of the 2009 base API—687 elementary schools, 165 middle schools and 148 high schools. The list excludes charter schools, schools that are closed, schools with fewer than 100 valid test scores, and court, community or community day schools. A district may not have more than 10 percent of its schools on the list.

The methodology for developing the list was approved by the SBE at its July 15, 2010 meeting. According to the CDE, based on its initial run of the figures, there are over 500 districts with schools on the list. The schools range from deciles 1 to 6 on the API and include some schools with an API score of 800 or above. There are 290 districts with fewer than 10 schools on the list and 50 single-school districts are represented.

A draft list can be found on the SBE's July 14-15, 2010 agenda Item 33, Addendum, and is available at www.cde.ca.gov/be/ag/ag/yr10/documents/bluejul10item33.doc. A final list will likely be posted by the CDE in early August 2010.

For districts with schools on the open enrollment list:

What type of notification must be provided to parents?

Education Code 48354 and 5 CCR 4702 specify that the district of residence must notify the parent of each student attending a school on the open enrollment list of the option to transfer on the first day of instruction. If the district has not been notified that one of its schools is on the list by the first day of instruction, the notice must be sent no later than September 15, 2010. Education Code 48354 specifies that the notice to parents must be consistent with federal law which requires schools in year one of Program Improvement and beyond to notify parents of their option to transfer their child to another school within the district.

Districts should keep in mind that Education Code 48985 specifies that when 15 percent or more of students in a school speak a language other than English, all notices sent to the parents of this student population must be written in that student's primary language and may be answered by the parent in either language.

Can a district deny a student's transfer out of the district?

The district of residence has limited ability to deny transfers out of the district. Education Code 48355 allow transfers to be limited or denied if the governing board has determined that the transfer would negatively impact the district's court-ordered or voluntary desegregation plan or racial and ethnic balance!

For all districts: Dealing with transfer applications

What is the transfer application process?

Education Code 48354 states that a parent must submit an application requesting a transfer to another district (the district of enrollment) by January 1 of the preceding year for which the transfer is requested, although the January 1 deadline may be waived by the district. For example, a parent may submit an application by January 1, 2011 for enrollment in the 2011-12 school year. The application may request enrollment in a specific school or program. Within 60 days of receiving the application, the district of enrollment must notify the parent and the student's district of residence whether the application has been accepted or rejected and, if rejected, the reasons for the rejection.

If the application is accepted, the district of enrollment must ensure that the student is enrolled in a school with a higher API than the school in which the student was previously enrolled. Once admitted, the student is deemed a "resident" of the new district and does not need to reapply for enrollment in that school, regardless of whether the student's school of residence remains on the open enrollment list.

What are the enrollment priorities?

The district is required to establish a period of time for resident student enrollment before accepting transfer applications. Enrollment priority must first be given to

students who reside within the district (including students residing within a school's attendance boundary and those applying for intradistrict open enrollment). Thus, the deadlines for applications must be aligned with the deadline for resident enrollment.

If the number of open enrollment transfer applications exceeds the slots available, a lottery must be conducted with first priority given to siblings of students who already attend the requested school and second priority to students transferring from a program improvement school ranked in decile 1 of the API.

However, the law is contradictory in that districts must notify parents within 60 days whether their transfer application has been accepted or rejected. Thus, if a parent submits a transfer application on September 1, the district would need to provide

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