
Bullying Victims Granted Expanded Transfer Rights

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Assembly Bill (AB) 1127 amended Education Code section 46600 to now require California school districts to approve intradistrict and interdistrict transfer requests by victims of an act of bullying. Previously, Education Code section 46600 simply gave priority for an interdistrict transfer request from a student who was the victim of bullying. These new requirements became effective January 1, 2020, but are now more relevant as students begin to return to campus.

Intradistrict Transfers

The law now requires school districts of residence to approve a bullying victim's intradistrict transfer request to another requested school in the district. If the requested school is at capacity, the school district shall accept a request for an alternate site. If the school district of residence has only one school available (i.e., the bullying victim could not have moved schools via an intradistrict transfer within the district of residence) the student's district of residence must honor an interdistrict transfer request, notwithstanding other laws and regardless of whether an agreement exists or a permit is issued, if the school district of proposed enrollment approves the application for transfer.

Interdistrict Transfers

A district of proposed enrollment that has elected to accept students through interdistrict transfer agreements must accept all students who apply as victims of bullying, until the district is at maximum capacity. The school district of proposed enrollment must ensure that students are being selected and admitted through an unbiased process, without inquiring into the student's academic or athletic performance, physical condition, proficiency in English, family income or any of the other characteristics set forth in Education Code section 220, including race or ethnicity, gender, gender identity, gender expression and immigration status.

Transportation

The law now requires the district of enrollment to provide transportation assistance to certain transfer students. Upon the request of the parent or guardian, districts of enrollment must provide transportation assistance to transferring victims of bullying, as well as children of active military duty parents, provided these students are eligible for

free or reduced price meals. In addition, the district of enrollment may provide transportation assistance to any transfer student who is a victim of bullying or who is the child of an active military duty parent. The amount of transportation assistance provided is intended to not exceed the supplemental grant, if any, the district receives for the student under the district's local control funding formula, pursuant to Education Code section 42238.02.

Victim of Bullying

These new provisions of 46600 define a "victim of an act of bullying" as a student who has been determined to have been a victim of bullying by an investigation in accordance with the Safe Place to Learn Act (Ed. Code, section 234.1), where the bullying was committed by a student in the school district of residence, and the student's parent has filed a written complaint regarding the bullying with the school, school district personnel, or a local law enforcement agency.

Takeaways

AB 1127 provides significant changes in the way districts must evaluate and process intradistrict and interdistrict transfer applications submitted by victims of bullying. Districts of enrollment now have a heightened responsibility to provide transportation assistance to certain transfer students who are also eligible for free or reduced price meals.

If you have any questions regarding the impact of AB 1127 on school districts regarding the acceptance of transfer victims of bullying, or on intradistrict and interdistrict transfers in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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