

CLIENT NEWS BRIEF

New Laws on Enrollment Offer Students More Flexibility and Stability and Require Website Posting by January 1, 2019

Through Assembly Bills (AB) 2826 and 2949, California lawmakers demonstrated a concerted effort to make the interdistrict transfer process more accessible to families, as well as provide additional protections to students of military families, who are often subject to frequent school changes.

Assembly Bill 2826 – Pupil Enrollment: Interdistrict Attendance:

AB 2826 strives to make the interdistrict transfer process more transparent and timely for families. Under the new law, which amends Education Code sections 46600 et seq., school districts have the following obligations starting on January 1, 2019:

- Post the district's interdistrict transfer procedures on the district's website, including:
 - A link to the district's policies on interdistrict transfers;
 - The date when the district will accept and process requests for the subsequent school year;
 - The reasons for approval or denial of a request;
 - Any information or documents that must be submitted as supporting evidence in a request;
 - If applicable, the process and timelines by which a denial may be appealed within the school district;
 - Notice that failure to adhere to timelines will be deemed an abandonment of the request;
 - The conditions for when an existing permit may be revoked or rescinded; and
 - Applicable timelines for processing a request, including those set out below.
- Process Interdistrict Transfer Requests as follows:
 - Notify the parent submitting a current year request of its final decision within 30 calendar days of receipt;
 - Notify the parent submitting a future year request of its decision as soon as possible, but no later than 14 days after the start of the instruction in the school year for which the transfer is sought;
 - Provide written notice of the parents' right to appeal to the county board of education within 30 calendar days from the final date of a denial;
 - Provisionally admit students to a requested district, based on their evidence that a final decision is pending with a district of residence, proposed district, or county board of education.

Assembly Bill 2949 – Pupil Residency: Pupils of Military Families:

Existing law provides an exception to the residency requirements for a student whose parent is transferred to or is pending transfer to a military installation within the state while on active military duty pursuant to an official military

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Ruth E. Mendyk
Partner
Fresno Office

rmendyk@lozanosmith.com



Nicholas G. Felahi
Associate
San Diego Office

nfelahi@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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order. AB 2949 adds section 48204.6 to the Education Code to require a local educational agency to permit a student who meets certain criteria to continue attending the student's "school of origin" during that school year, regardless of any change of residence of the military family. If the student's status changes due to end of military service, then the student is allowed to stay in the school of origin for the remainder of the academic year if he or she is between grades 1-8, or through graduation if the student is enrolled in high school. The new law effectively mirrors the laws related to protecting foster youth and homeless children, who are also susceptible to frequent school changes.

Takeaways

By January 1, 2019, school districts must post the required interdistrict transfer policies and information on their website. School districts must also ensure compliance with the new response timelines and notice of parent's right to appeal a transfer denial.

Local educational agencies must permit students of military families to continue to attend their schools of origin, despite changes in residence and changes in military status. Local educational agencies may seek appropriate reimbursement to comply with these provisions, consistent with the state's rules of reimbursement for mandated costs.

If you have any questions about AB 2826 or 2949 or about laws applicable to local educational agencies 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 visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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