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SB-413 School attendance: interdistrict attendance. (2023-2024)

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Date Published: 10/10/2023 02:00 PM

Senate Bill No. 413

CHAPTER 606

An act to amend Section 46601 of the Education Code, relating to school attendance.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 413, Bradford. School attendance: interdistrict attendance.

Existing law authorizes the governing boards of 2 or more school districts to enter into an agreement for the interdistrict attendance of pupils who are residents of the school districts. Under existing law, a parent may appeal a school district's decision regarding a request for interdistrict transfer, within 30 calendar days of the school district's final denial, to the county board of education. Existing law requires the county board of education, within 30 calendar days after the appeal is filed, to determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance.

This bill would authorize a county board of education in a class 1 or class 2 county to, in certain circumstances, extend the time period to determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance to up to 60 calendar days after the appeal is filed, as provided.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 46601 of the Education Code is amended to read:

46601. (a) A parent may appeal a school district's decision regarding a request for interdistrict transfer, within 30 calendar days of the date of the school district's final denial, to the county board of education.

(b) (1) Failure by the parent to appeal within the required time is good cause for rejection of an appeal. An appeal shall be accepted only upon verification by the county board of education's designee that appeals within the school districts have been exhausted within the timelines provided pursuant to Section 46600.2. If new evidence or grounds for the request are introduced, the county board of education may remand the matter for further consideration by the school district or districts. In all other cases, the appeal shall be granted or denied on its merits.

(2) (A) (i) The county board of education shall, unless clause (ii) applies, within 30 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance.

(ii) The county board of education in a class 1 or class 2 county may extend the time period to up to 60 calendar days after the appeal is filed to determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance, if one or more of the following circumstances apply:

(I) A delay in response by the parent, guardian, educational rights holder, or school district.

(II) A delay due to incompatible availability for the factfinding hearing of the parent, guardian, educational rights holder, or school district.

(III) A request to delay a factfinding hearing or board hearing by the parent, guardian, or educational rights holder, or an inability of the parent, guardian, or educational rights holder to attend a factfinding hearing or board hearing.

(IV) A school district has closed their annual application window and is no longer accepting permit applications for the remainder of the current or future school year.

(B) In the event that compliance by the county board of education within the time requirement for determining whether the pupil should be permitted to attend the school district of proposed enrollment is impractical, the county board of education or the county superintendent of schools, for good cause, may extend the time period for up to an additional five schooldays. The county board of education shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation and to be heard on the matter pursuant to rules and regulations adopted by the county board of education in accordance with this chapter. The county board of education's rules may provide for the granting of continuances upon a showing of good cause. The county board of education shall render a decision within three schooldays of any hearing conducted by the county board of education unless the parent requests a postponement.

(C) In a class 1 or class 2 county, the county board of education's rules may provide for any hearing pursuant to this section to be conducted by a hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code, or by an impartial administrative panel of three or more certificated persons appointed by the county board of education. Section 27722 of the Government Code applies to a hearing by an impartial administrative panel and, for purposes of this section, the term "hearing officer" in Section 27722 of the Government Code includes an impartial administrative panel. A member of the impartial administrative panel shall not be a member of the county board of education, nor be employed by the school district of residence or the school district of proposed enrollment.

(D) If the hearing officer is not authorized to decide whether the pupil should be permitted to attend in the school district of proposed enrollment, the county board of education, within 10 calendar days of receiving the recommended decision pursuant to subdivision (b) of Section 27722 of the Government Code, shall render a decision.

(3) The designee of the county superintendent of schools shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the county board of education in reaching a decision.

(4) Pupils who are under consideration for expulsion, or who have been expelled pursuant to Sections 48915 and 48918, may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.