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AB-1412 Special education: pupil transfers: residency requirements: records. (2025-2026)

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Assembly Bill No. 1412

CHAPTER 453

An act to amend Sections 48204.3 and 56325 of the Education Code, relating to special education.

[Approved by Governor October 07, 2025. Filed with Secretary of State October 07, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1412, Jeff Gonzalez. Special education: pupil transfers: residency requirements: records.

(1) If an individual with exceptional needs, as defined, transfers from outside the state to a district, as defined, in the state, or transfers from district to district, within the same academic year, existing law requires local educational agencies, as defined, to provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, until the local educational agency conducts a federally required assessment, if determined to be necessary by the local educational agency, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.

This bill would require a local educational agency, within 30 days of receipt of official records or specified unofficial records, to either adopt and implement the individualized education program previously adopted for the pupil or develop, adopt, and implement a new individualized education program for the pupil that is consistent with federal and state law, if applicable. To the extent the bill would impose additional duties on local education agencies, the bill would impose a state-mandated local program.

(2) Existing law ratifies the Interstate Compact on Educational Opportunity for Military Children, as specified.

Existing law requires the new school in which an individual with exceptional needs enrolls to take reasonable steps to promptly obtain the pupil's records from their previous school, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the pupil, pursuant to specified federal law.

This bill would expressly require those reasonable steps to also be consistent with specified requirements of the Interstate Compact on Educational Opportunity for Military Children, and would require the new school to accept unofficial records provided by the pupil's parent or guardian until validated by official records, consistent with specified requirements of the Interstate Compact on Educational Opportunity for Military Children. To the extent the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(3) Existing law provides that each person between 6 and 18 years of age not exempted is subject to compulsory full-time education and requires a person subject to compulsory education to attend the public full-time day school or continuation school or classes in the school district in which the residence of the parents or legal guardian is located. Existing law provides that a pupil complies with the residency requirements if the pupil's parent is transferred or is pending transfer to a military installation

within the state while on active military duty pursuant to an official military order, and requires a parent to provide proof of residence in the school district within 10 days after the published arrival date provided on official documentation.

This bill would expressly provide that the above-described provisions apply to all pupils whose parent is an active duty member of the Armed Forces of the United States, including pupils eligible for services or accommodations pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990, as applicable. The bill would require school districts, upon notification that a pupil who is enrolling pursuant to the above-described provisions is receiving, or may eligible to receive, services or accommodations pursuant to federal law, to promptly coordinate with the pupil's parents and previous school, as provided. To the extent the bill would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 48204.3 of the Education Code is amended to read:

48204.3. (a) For purposes of this section, the following definitions apply:

(1) "Active military duty" means full-time military duty status in the active uniformed service of the United States, including members of the California National Guard and the State Guard on active duty orders pursuant to Title 10 or 32 of the United States Code or Part 1 (commencing with Section 100) of Division 2 of the Military and Veterans Code.

(2) "Military installation" means a base, camp, post, station, yard, center, home port facility for any ship, or other activity under the jurisdiction of the United States Department of Defense or the United States Coast Guard.

(3) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(b) (1) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if the pupil is a pupil whose parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

(2) For purposes of paragraph (1), "pupil" includes a pupil eligible for services or accommodations pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), or the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as applicable.

(c) A school district shall accept applications by electronic means for enrollment, including enrollment in a specific school or program within the school district, and course registration for pupils described in subdivision (b).

(d) (1) The parent shall provide proof of residence in the school district within 10 days after the published arrival date provided on official documentation.

(2) For purposes of paragraph (1), a parent may use any of the following addresses as related to their military move:

(A) A temporary on-base billeting facility.

(B) A purchased or leased home or apartment.

(C) Federal government or public-private venture off-base military housing.

(e) Upon notification that a pupil enrolling pursuant to this section is receiving, or may be eligible to receive, services or accommodations pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), or the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as applicable, the school district shall promptly coordinate with the pupil's parents and previous school pursuant to Section 56325 to ensure the timely exchange of records and to reduce any delays in the pupil receiving comparable services or accommodations from the school district, including, but not limited to, implementation of their individualized education program, individualized family service plan, or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), as applicable.

SEC. 2. Section 56325 of the Education Code is amended to read:

56325. (a) (1) As required by subclause (I) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from district to district within the state. In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which the individual with exceptional needs was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, for a period not to exceed 30 days, by which time the local educational agency shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

(2) In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which the individual with exceptional needs was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

(3) (A) As required by subclause (II) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from an educational agency located outside the State of California to a district within California. In the case of an individual with exceptional needs who transfers from district to district within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, until the local educational agency conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the local educational agency, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.

(B) (i) For purposes of subparagraph (A), a local educational agency shall, within 30 days of receipt of official or unofficial records, either adopt and implement the individualized education program previously adopted for the pupil or develop, adopt, and implement a new individualized education program for the pupil that is consistent with federal and state law, if applicable.

(ii) For purposes of clause (i), "unofficial records" has the same meaning as described in subdivision (A) of Article IV of the Interstate Compact on Educational Opportunity for Military Children, as specified in Section 49701.

(b) (1) To facilitate the transition for an individual with exceptional needs described in subdivision (a), the new school in which the individual with exceptional needs enrolls shall take reasonable steps to promptly obtain the pupil's records, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled, pursuant to paragraph (2) of subsection (a) of Section 99.31 of Title 34 of the Code of Federal Regulations and consistent with the Interstate Compact on Educational Opportunity for Military Children, as specified in subdivision (A) of Article I, subdivision (E) of Article II, and subdivisions (B) and (C) of Article V of Section 49701, as applicable.

(2) The previous school in which the individual with exceptional needs was enrolled shall take reasonable steps to promptly respond to the request from the new school.

(3) The new school in which the individual with exceptional needs enrolls shall accept unofficial records provided by the pupil's parent or guardian pending validation by the official records, consistent with the requirements of the Interstate Compact on Educational Opportunity for Military Children, as specified in subdivision (A) of Article I, subdivision (E) of Article II, and subdivisions (B) and (C) of Article V of Section 49701, as applicable.

(c) If whenever a pupil described in subdivision (a) was placed and residing in a residential nonpublic, nonsectarian school, prior to transferring to a district in another special education local plan area, and this placement is not eligible for funding pursuant to Section 56836.165, the special education local plan area that contains the district that made the residential nonpublic, nonsectarian school placement is responsible for the funding of the placement, including related services, for the remainder of the school year. An extended year session is included in the school year in which the session ends.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division

