



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

October 1, 2018

**To: Superintendents, Member School Districts (K-12)**

**From: Damara L. Moore, Senior Associate General Counsel** *DM*

**Subject: Changes to Interdistrict Transfer Laws  
Memo No. 23-2018**

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New laws go into effect on January 1, 2019 regarding interdistrict transfers.<sup>1</sup> These laws affect school districts that have an existing agreement between two or more districts allowing for interdistrict transfers and also apply to districts that respond to interdistrict transfer requests solely through the permit process. The changes do not affect “Districts of Choice.”<sup>2</sup>

In addition to clarifying some ambiguous and confusing language, noteworthy changes include:

- A requirement that school districts post interdistrict transfer timelines on their websites, the procedures that must be followed, a link to Board Policy, and specifically include the following information:
  - The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
  - The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
  - If applicable, the process and timelines by which a denial of a request may be appealed within the school district before the school district renders a final decision.
  - That failure of the parent to meet any timelines established by the school district shall be deemed an abandonment of the request.
  - Applicable timelines for processing a request, including statements that the school district shall do both of the following:

<sup>1</sup> AB 2826 (2018).

<sup>2</sup> See Cal. Educ. Code § 48300 *et seq.* “Districts of choice” are school districts where the governing boards have followed a formal process to declare their districts a District of Choice, registered as such with the State Board of Education, and which accept all transferred students until the district is at maximum capacity.



- Notify a parent submitting a current year request. . . of its final decision within 30 calendar days from the date the request was received.
- Notify a parent submitting a future year request. . . of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.
- The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.<sup>3</sup>
- Requirements that notices from a district or a county office of education to a parent/guardian regarding a request be translated if the language the parent/guardian speaks is one which 15% or more of the district’s population speaks as their primary language.
- A pupil may only be provisionally enrolled for two months, and then, if no decision has been made, the pupil cannot remain provisionally enrolled and must enroll in his or her district of residence or another school, if they are of an age requiring compulsory education.
- Explicitly stating a 30 calendar day deadline to respond to requests made during the “current school year,” meaning a request that was received 15 calendar days before the commencement of the instruction in the school year for which the transfer was sought, or within the course of that year.
- Permitting school districts to set their own deadlines for responding to requests in the “future year,” meaning a request received up until 15 calendar days before the commencement of instruction in the school year for which it is sought, so long as a parent/guardian receives a response within 14 days of the commencement of instruction in the school year for which the transfer is sought.
- Prohibiting rescinding interdistrict transfers for pupils after June 30 following the completion of grade 10, or for pupils in grade 11 or 12. Previously the law stated interdistrict transfers could not be rescinded for pupils entering grades 11 or 12.
- Parents/guardians must initiate their requests with the District of Residence. While this language is not stated explicitly, a new statute states that an appeal cannot be deemed “denied” when the permit was not first issued by the school district of residence.<sup>4</sup>

Districts should review these changes, modify their policies accordingly, and be prepared to have the required information on their websites by January 1, 2019.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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<sup>3</sup> AB 2826, Cal. Educ. Code § 46600.2 (January 1, 2019).

<sup>4</sup> AB 2826, Cal. Educ. Code § 46600.1(d)(2)(C) (January 1, 2019).